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DOCKET NO. 53729

PETITION OF HEMPSTEAD R.V. NO. 1	§	PUBLIC UTILITY COMMISSION
TO AMEND G&W WATER SUPPLY	§	
CORPORATION'S CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
WALLER COUNTY BY	§	
STREAMLINED EXPEDITED	§	
RELEASE	§	

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND NOTICE**

On June 17, 2022, Hempstead R.V. No. 1, LLC (Hempstead) filed a petition for streamlined expedited release from the G&W Water Supply Corporation's (G&W WSC) water certificate of convenience and necessity (CCN) number 12391 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Hempstead asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Waller County, which is a qualifying county. Hempstead file supplemental information on June 20 and August 17, 2022.

On July 19, 2022, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of September 19, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file supplemental comments regarding the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and supplemental information and, as detailed in the attached memorandum from Chase Lipscomb, Infrastructure Division, recommends that the petition is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

II. NOTICE SUFFICIENCY

Under 16 TAC § 24.245(h)(3)(f), a landowner seeking streamlined expedited release must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition to the Commission. Hempstead stated that it mailed a copy of its petition to the CCN holder, G&W WSC, by certified mail on the day the

petition was filed with the Commission. Hempstead also included an affidavit attesting to this provision of notice to G&W WSC. Accordingly, Staff recommends that the notice is sufficient.

III. PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins once the ALJ issues an order finding a petition administratively complete. Staff recommends that the petition be found administratively complete. Therefore, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues that order.

Event	Date
Deadline for G&W WSC and intervenors to file a response to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a reply to G&W WSC's response	27 days from the date of the order finding the petition administratively complete
Deadline for Staff's recommendation on final disposition	41 days from the date of the order finding the petition administratively complete
Sixty-day administrative approval of streamlined expedited release	60 days from the date of the order finding the petition administratively complete
<i>In the event streamlined expedited release is granted and petitioner and G&W WSC can select an agreed-upon appraiser</i>	
Deadline for petitioner and G&W WSC to make a filing stating that they have selected an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for appraiser's report	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to G&W WSC	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to G&W WSC	Within 90 days of the Commission's final order on compensation
<i>In the event streamlined expedited release is granted and petitioner and G&W WSC unable to select an agreed-upon appraiser</i>	
Deadline for petitioner and G&W WSC to make a filing stating that they have been unable to select an	Within 10 days after the Commission approves streamlined expedited release ²

² It is critical for Staff to know as soon as possible after the Commission grants the petition whether Staff needs to secure the services of a third appraiser. If the petitioner and CCN holder are unable to agree and fail to make this filing, Staff may need additional time to file its appraiser's report.

agreed-upon appraiser and affirming that they will pay half of the cost of Commission Staff's appraiser ¹	
Deadline for reports from petitioner's appraiser and G&W WSC's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to G&W WSC	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to G&W WSC	Within 90 days of the Commission's final order on compensation

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively complete, that the notice be found sufficient, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

¹ TWC § 13.2541(i)

Dated: September 19, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Bradley Reynolds
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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on September 19, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Bradley Reynolds
Bradley Reynolds

Public Utility Commission of Texas

Memorandum

TO: Bradley Reynolds, Attorney
Legal Division

FROM: Chase Lipscomb, Infrastructure Analyst
Infrastructure Division

DATE: September 19, 2022

RE: Docket No. 53729 – *Petition of Hempstead R.V. No. 1 to Amend G&W Water Supply Corporation's Certificate of Convenience and Necessity in Waller County by Streamlined Expedited Release*

On June 17, 2022, Hempstead R.V. No. 1, LLC (Hempstead R.V.) filed a petition for streamlined expedited release from G&W Water Supply Corporation's (G&W WSC) water Certificate of Convenience and Necessity (CCN) No. 12391 in Waller County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Hempstead R.V. asserts that the land is at least 25 contiguous acres, is not receiving water/sewer service, and is located in Waller County, which is a qualifying county.

Hempstead R.V. submitted a sworn affidavit attesting that the tract of land was not receiving water service from G&W WSC and a warranty deed confirming ownership of the landowner's total property. Hempstead R.V. included a statement indicating a copy of the petition was sent via certified mail to G&W WSC on the date the petition was filed with the Commission.

Based on the mapping review by Dave Babicki, Infrastructure Division, the maps submitted with Item 6 on August 17, 2022 are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within G&W WSC's water CCN.

The landowner's total property is approximately 72.5 acres. The tract of land in the petition for streamlined expedited release is approximately 72.5 acres, of which approximately 72.5 acres overlap G & W WSC (CCN No. 12391) and would be decertified from CCN No. 12391.

Based on my technical and managerial review and the mapping review by Dave Babicki of the additional information provided by Hempstead R.V. on August 17, 2022, I recommend the petition be deemed administratively complete and accepted for filing.