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DOCKET NO. 53926

PETITION OF MORGAN ACRES, LLC	§	BEFORE THE PUBLIC UTILITY
TO AMEND JOHNSON COUNTY	§	
SPECIAL UTILITY DISTRICT'S	§	COMMISSION OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN JOHNSON	§	
COUNTY BY STREAMLINED	§	
EXPEDITED RELEASE	§	

JOHNSON COUNTY SUD'S MOTION FOR REHEARING

Johnson County Special Utility District (Johnson County SUD or Intervenor) files this Motion for Rehearing in response to the Public Utility Commission of Texas (Commission) Notice of Approval Making a Determination on Compensation (Order) issued July 6, 2023,¹ following the Commission's previous order granting Morgan Acres, LLC (Petitioner) streamlined expedited release (SER) from Johnson County SUD's water certificate of convenience and necessity (CCN) No. 10081 for certain property in Johnson County (Property).² This motion is timely filed.³

Johnson County SUD does not challenge the amount of the compensation decision reflected in the Order even though Johnson County SUD stands by the higher amount reflected in its appraisal. However, the Order was necessitated because of the Commission's prior decision to grant the Petitioner the SER requested in its petition (Petition)⁴ as supplemented.⁵ As Johnson County SUD previously contended in its previous motion for rehearing, that decision constituted error under state law.⁶ The Commission denied Johnson County SUD's previous motion for

¹ Notice of Approval Making a Determination on Compensation (Jul. 6, 2023) (Order).

² Order (Mar. 23, 2023).

³ TEXAS GOV'T CODE § 2001.146(a) and 16 TAC § 22.264 govern motions for rehearing. The July 6, 2023 Order represents a final decision on the streamlined expedited release application, now with completion of the compensation phase.

⁴ Petition of Morgan Acres, LLC for Streamlined Expedited Release Pursuant to Texas Water Code Section 13.2541 (Aug. 2, 2022)

⁵ Morgan Acres, LLC Supplemental Documentation and Clarification (Oct. 10, 2022); Morgan Acres, LLC Supplemental Mapping Documentation (Nov. 4, 2022).

⁶ Johnson County SUD's Motion for Rehearing and to Stay Compensation Phase (Apr. 17, 2023).

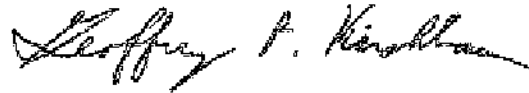
rehearing.⁷ Therefore, Johnson County SUD hereby reiterates its position regarding the SER release decision, incorporates its prior motion for rehearing here in response to the Order, and requests the Commission grant rehearing and reverse its SER decision.

CONCLUSION AND PRAYER

Johnson County SUD respectfully requests that the Commission grant rehearing on the Point of Error described in its Motion for Rehearing, and upon such rehearing adopt an Order that: (1) finds the Property is receiving water service under TWC §§ 13.002(21) and 13.2541(b) and 16 TAC § 24.245(h); and (2) denies the Petitioner's request to release the Property from Johnson County SUD's CCN instead of making a compensation decision. Johnson County SUD further requests any and all other relief to which it is justly entitled.

⁷ Memo from Commission Advising (Apr. 27, 2023).

Respectfully submitted,



By: _____

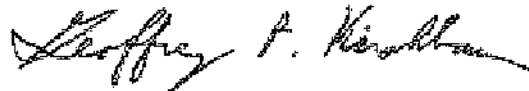
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**ATTORNEY FOR JOHNSON COUNTY SPECIAL
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CERTIFICATE OF SERVICE

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 July 26, 2023, in accordance with the Orders Suspending Rules filed in Project No. 50664.



Geoffrey P. Kirshbaum