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DOCKET NO. 53932

PETITION OF KL LHB DSD AIV, LLC	§	PUBLIC UTILITY COMMISSION
TO AMEND KAUFMAN COUNTY	§	
MUNICIPAL UTILITY DISTRICT NO.	§	OF TEXAS
12'S CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN KAUFMAN	§	
COUNTY BY STREAMLINED	§	
EXPEDITED RELEASE	§	

**NOTICE OF APPROVAL
MAKING A DETERMINATION ON COMPENSATION**

In this Notice of Approval, the Commission determines that, for the streamlined expedited release granted in this docket, KL LHB DSD AIV LLC owes no compensation to Kaufman County Municipal Utility District No. 12 (KCMUD) under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed KL LHB's tract of land from KCMUD's certificated service area under certificate of convenience and necessity (CCN) number 13087. The Commission's determination on compensation is based on an agreement between KL LHB and KCMUD.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. KL LHB is a Delaware limited liability company registered with the Texas secretary of state under filing number 804169566.

CCN Holder

2. KCMUD is a municipal utility in Kaufman County.
3. KCMUD holds CCN number 13087 that obligates it to provide retail water service in its certificated service area in Kaufman County.

Petition and Amended Petition

4. On August 4, 2022, the petitioner filed a petition for streamlined expedited release of a tract of land from the CCN holder's service area under CCN number 13087.
5. On October 3, 2022, the petitioner filed an amended petition.

6. In Order No. 4 filed on January 9, 2023, the Commission granted the amended petition and released the petitioner's tract of land from the CCN holder's certificated service area.
7. Ordering paragraph seven of the Commission's Order stated that, if streamlined expedited release was granted, this proceeding would continue for the purpose of determining compensation in accordance with the schedule adopted in Order No. 3.

Appraisers and Appraisals

8. No appraisers are needed to determine compensation in this docket because of the agreement between the petitioner and the CCN holder.

Compensation

9. On February 27, 2023, the petitioner and the CCN holder filed a joint notice of agreement regarding compensation in which they agreed that no compensation is owed to the CCN holder as a result of the streamlined expedited release.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority to determine the amount of compensation to be awarded after granting streamlined expedited release under TWC §§ 13.254 and 13.2541.
2. No notice is required to determine the amount of compensation.
3. No opportunity for a hearing to determine compensation for streamlined expedited release is provided under TWC § 13.2541 or 16 Texas Administrative Code (TAC) § 24.245(h)(7).
4. The determination on compensation under TWC § 13.2541 and 16 TAC § 24.245(i) is not a contested case.
5. Under 16 TAC § 24.245(i)(1), if the petitioner and CCN holder agree on the amount of compensation to be paid, they may forego the appraisal process and make a joint filing with the Commission stating the amount of the compensation to be paid.
6. No compensation is owed by the petitioner to the CCN holder for the release under TWC § 13.2541.
7. The Commission processed the petition in accordance with the TWC and Commission rules.

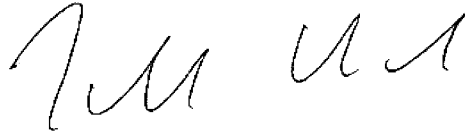
III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. No compensation is owed by the petitioner to the CCN holder for the streamlined expedited release.
2. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the 28th day of February 2023.

PUBLIC UTILITY COMMISSION OF TEXAS



JEFFREY J. HUHN
ADMINISTRATIVE LAW JUDGE