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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	§	

ORDER NO. 3
FINDING PETITION, AS SUPPLEMENTED, ADMINISTRATIVELY COMPLETE AND
NOTICE SUFFICIENT, AND ESTABLISHING PROCEDURAL SCHEDULE

This Order addresses the sufficiency of the August 4, 2022 petition of KL LHB DSD AIV LLC to amend Kaufman County Municipal Utility District's No. 12's certificate of convenience and necessity (CCN) number 13087 in Kaufman County by streamlined expedited release. On October 3, 2022, KL LBH filed supplemental information.

I. Finding Petition, as Supplemented, Administratively Complete

On November 7, 2022, Commission Staff recommended that the petition, as supplemented, be found administratively complete. The administrative law judge (ALJ) finds the petition, as supplemented, administratively complete. The finding of administrative completeness does not address the merits of the petition.

II. Finding Notice Sufficient

The petition includes a signed certificate of service in which KL LHB certified that it mailed a true and correct copy of its petition to the CCN holder, Kaufman County, by certified mail on the date the petition was filed with the Commission. The ALJ finds the notice sufficient.

III. Establishing Procedural Schedule

Under Texas Water Code (TWC) § 13.2541, the granting of streamlined expedited release initiates an appraisal process to determine the amount of monetary compensation that may be owed by the landowner to the certificate holder for the tract of land that was released. Therefore, an order granting approval for streamlined expedited release is interim in nature and, in the event the

requested release is approved, the docket will continue for the purpose of determining the issue of compensation.

The following procedural schedule applies in this case:

Event	Date
Deadline for the CCN holder to file a response, verified by a notarized affidavit, to the administratively complete petition	November 29, 2022
Deadline for petitioner to file a response to CCN holder's response to the administratively complete petition	December 6, 2022
Deadline for Commission Staff's recommendation on final disposition	December 20, 2022
Sixty-day administrative approval of streamlined expedited release	January 9, 2023 ¹
<i>In the event streamlined expedited release is granted and the petitioner and the CCN holder can select an agreed-upon appraiser</i>	
Deadline for the petitioner and the CCN holder 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 the petitioner to the CCN holder	Within 60 days after appraiser's report
Deadline for the petitioner to pay any compensation due to the CCN holder	Within 90 days of the Commission's final order on compensation
<i>In the event streamlined expedited release is granted and the petitioner and the CCN holder are unable to select an agreed-upon appraiser</i>	
Deadline for the petitioner and the CCN holder to make a filing stating that they have been unable to select an agreed upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for reports from the petitioner's appraiser and the CCN holder's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release

¹ 60 days from the date of filing (November 9, 2022) is Sunday, January 8, 2023, therefore, the deadline advances to the next business day, Monday, January 9, 2023, under 16 Texas Administrative Code § 22.4(a).

Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by the petitioner to the CCN holder	Within 60 days after Commission receives the final appraisal
Deadline for the petitioner to pay any compensation due to the CCN holder	Within 90 days of Commission's final order on compensation

Signed at Austin, Texas the 9th day of November 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



**For JEFFRY J. HUH
ADMINISTRATIVE LAW JUDGE**