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DOCKET NO. 54052

PETITION OF KAUFMAN	§	PUBLIC UTILITY COMMISSION
INDEPENDENT SCHOOL DISTRICT TO	§	
AMEND NORTH KAUFMAN WATER	§	OF TEXAS
SUPPLY CORPORATION'S	§	
CERTIFICATE OF CONVENIENCE AND	§	
NECESSITY IN KAUFMAN COUNTY BY	§	
STREAMLINED EXPEDITED RELEASE	§	

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

On September 8, 2022, Kaufman Independent School District (Kaufman ISD) filed a petition for streamlined expedited release from North Kaufman Water Supply Corporation's (North Kaufman WSC) water Certificate of Convenience and Necessity (CCN) No. 11205 in Kaufman County, under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Kaufman ISD asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Kaufman County, which is a qualifying county.

On September 9, 2022, the administrative law judge (ALJ) filed Order No. 1, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments regarding the administrative completeness of the petition and the sufficiency of notice by October 7, 2022. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition 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. Kaufman ISD stated that it mailed a copy of its petition to the CCN holder, North Kaufman WSC, by certified mail on the day the petition was filed with the Commission. Kaufman ISD also included an affidavit

attesting to this provision of notice to North Kaufman 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 North Kaufman 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 North Kaufman WSC 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 North Kaufman WSC can select an agreed-upon appraiser</i>	
Deadline for petitioner and North Kaufman 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 North Kaufman WSC	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to North Kaufman WSC	Within 90 days of the Commission's final order on compensation
<i>In the event streamlined expedited release is granted and petitioner and North Kaufman WSC unable to select an agreed-upon appraiser</i>	

Deadline for petitioner and North Kaufman WSC to make a filing stating that they have been unable to select an agreed-upon appraiser and affirming that they will pay half of the cost of Commission Staff's appraiser ¹	Within 10 days after the Commission approves streamlined expedited release ²
Deadline for reports from petitioner's appraiser and North Kaufman 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 North Kaufman WSC	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to North Kaufman 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).

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.

Dated: October 6, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

John Harrison
Managing Attorney

/s/ Margaux Fox
Margaux Fox
State Bar No. 24120829
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7021
(512) 936-7268 (facsimile)
Margaux.Fox@puc.texas.gov

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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 October 6, 2022, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Margaux Fox
Margaux Fox

Public Utility Commission of Texas

Memorandum

TO: Margaux Fox, Attorney
Legal Division

FROM: Chase Lipscomb, Infrastructure Analyst
Infrastructure Division

DATE: October 6, 2022

RE: Docket No. 54052 – *Petition of Kaufman Independent School District to Amend North Kaufman Water Supply Corporation's Certificate of Convenience and Necessity in Kaufman County by Expedited Release*

On September 8, 2022, Kaufman Independent School District (Kaufman ISD) filed a petition for streamlined expedited release from North Kaufman Water Supply Corporation's (North Kaufman WSC) water Certificate of Convenience and Necessity (CCN) No. 11205 in Kaufman County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Kaufman ISD asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Kaufman County, which is a qualifying county.

Kaufman ISD submitted a sworn affidavit attesting that the tract of land was not receiving water service from North Kaufman WSC and a warranty deed confirming ownership of the landowner's total property. Kaufman ISD included a statement indicating a copy of the petition was sent via certified mail to North Kaufman 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 1 on September 8, 2022 are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within North Kaufman WSC's water CCN.

The landowner's total property is approximately 85.2 acres. The tract of land in the petition for streamlined expedited release is approximately 85.2 acres, of which approximately 56.4 acres overlap North Kaufman WSC (CCN No. 11205) and would be decertified from CCN No. 11205.

Based on my technical and managerial review and the mapping review by Dave Babicki of the information provided by Kaufman ISD, I recommend the petition be deemed administratively complete and accepted for filing.