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DOCKET NO. 54861

PETITION OF GREGG LANE DEV LLC	§	PUBLIC UTILITY COMMISSION
TO AMEND AQUA WATER SUPPLY	§	
CORPORATION'S CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
TRAVIS 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, Gregg Lane Dev LLC owes no compensation to Aqua Water Supply Corporation under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed a tract of land from Aqua WSC's certificated service area under certificate of convenience and necessity (CCN) number 10294. The Commission's determination on compensation is based on the fact that neither Gregg Lane nor Aqua WSC timely filed an appraisal report.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. Gregg Lane is a Texas limited liability company registered with the Texas secretary of state under filing number 803914637.

CCN Holder

2. Aqua WSC is a Texas non-profit corporation registered with the Texas secretary of state under filing number 25894701.
3. Aqua WSC holds CCN number 10294 that obligates it to provide retail water service in its certificated service area in Travis and Bastrop counties.

Petition

4. On April 17, 2023, the petitioner filed a petition for streamlined expedited release of a tract of land from the CCN holder's service area under CCN number 10294.

5. In Order No. 5 filed on October 2, 2023, the Commission granted the petition and released the tract of land from the CCN holder's certificated service area.
6. Ordering paragraph six of Order No. 5 stated that the proceeding to determine compensation would follow the procedural schedule that was adopted in Order No. 4.

Appraiser and Appraisals

7. The petitioner and CCN holder did not make a filing stating whether they had selected an agreed upon appraiser within 10 days after the Commission granted streamlined expedited release.
8. The petitioner did not file an appraisal report within 70 days after the Commission granted streamlined expedited release.
9. The CCN holder did not file an appraisal report within 70 days after the Commission granted streamlined expedited release.

Compensation

10. Because neither the petitioner nor the CCN holder filed an appraisal report within 70 days after the Commission granted streamlined expedited release, no compensation is owed for 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)(2)(B), if the petitioner and CCN holder cannot agree on the amount of compensation and cannot agree on an independent appraiser, they must each file

their own appraisal report within 70 days after the Commission grants streamlined expedited release.

6. Under 16 TAC § 24.245(i)(4), if the CCN holder fails to file an appraisal report within 70 days after the Commission granted streamlined expedited release, the amount of compensation due is deemed to be zero.
7. Under 16 TAC § 24.245(i)(4), if the petitioner fails to file an appraisal report within 70 days after the Commission granted streamlined expedited release, the amount of compensation is based on the appraisal provided by the CCN holder.
8. No compensation is owed by the petitioner to the CCN holder for the release under TWC § 13.2541.
9. 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 under TWC § 13.2541.
2. The Commission denies all other motions and any other requests for general or specific relief not expressly granted by this Notice of Approval.

Signed at Austin, Texas on the 15th day of December 2023.

PUBLIC UTILITY COMMISSION OF TEXAS



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ADMINISTRATIVE LAW JUDGE