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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 §**

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND NOTICE AND PROPOSED
PROCEDURAL SCHEDULE**

On April 17, 2023, Gregg Lane Dev LLC (Gregg Lane) filed a petition for streamlined expedited release from Aqua Water Supply Corporation's (Aqua WSC) water certificate of convenience and necessity (CCN) number 10294 under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Gregg Lane asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Travis County, which is a qualifying county. Gregg Lane filed supplemental information on June 19, 2023.

On July 18, 2023, the administrative law judge (ALJ) filed Order No. 3, establishing a deadline of August 15, 2023, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on administrative completeness of the petition and notice and propose a procedural schedule. Therefore, this pleading is timely filed.

I. RECOMMENDATION ON 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. RECOMMENDATION ON 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. Gregg Lane stated that it mailed a copy of its petition to the CCN holder, the Aqua WSC, by certified mail on the day the

petition was filed with the Commission. Accordingly, Staff recommends that the notice is sufficient.

III. PROPOSED 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 the CCN holder to file a response, verified by a notarized affidavit, to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a response to CCN holder's response to the administratively complete petition	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 CCN holder can select an agreed-upon appraiser</i>	
Deadline for 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 petitioner to CCN holder	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to CCN holder	Within 90 days of the Commission's final order on compensation
<i>In the event streamlined expedited release is granted and petitioner and CCN holder unable to select an agreed-upon appraiser</i>	
Deadline for 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 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
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to the CCN holder	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to the CCN holder	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.

Dated: August 15, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Lopez Wagley
Division Director

John Harrison
Senior Managing Attorney

/s/ Kevin Pierce

Kevin Pierce
State Bar No. 24093879
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3480
(512) 936-7265
(512) 936-7268 (facsimile)
Kevin.Pierce@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 will be provided to all parties of record via electronic mail on August 15, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin Pierce _____
Kevin Pierce

Public Utility Commission of Texas

Memorandum

TO: Kevin Pierce, Attorney
Legal Division

FROM: Chase Lipscomb, Infrastructure Analyst
Infrastructure Division

DATE: August 15, 2023

RE: Docket No. 54861 – *Petition of Greg Lane Dev LLC to Amend Aqua Water Supply Corporation's Certificate of Convenience and Necessity in Travis County by Streamlined Expedited Release*

On April 17, 2023, Greg Lane Dev LLC (Greg Lane) filed a petition for streamlined expedited release from Aqua Water Supply Corporation's (Aqua WSC) water Certificate of Convenience and Necessity (CCN) No. 10294 in Travis County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Greg Lane asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Travis County, which is a qualifying county.

Greg Lane submitted a sworn affidavit attesting that the tract of land was not receiving water service from Aqua WSC and a warranty deed confirming ownership of the landowner's total property. Greg Lane included a statement indicating a copy of the petition was sent via certified mail to Aqua WSC on the date the petition was filed with the Commission.

Based on the mapping review by Hank Journey, Infrastructure Division, the revised maps submitted with Item 5 on June 19, 2023 and digital mapping data submitted with Item 8 on July 31, 2023, are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within Aqua WSC's water CCN.

The landowner's total property is approximately 90.3 acres. The tract of land in the petition for streamlined expedited release is approximately 90.3 acres, of which approximately 17.7 acres overlap Aqua WSC (CCN No. 10294) and would be decertified from CCN No. 10294.

Based on my technical and managerial review and the mapping review by Hank Journey of the additional information provided by Greg Lane on June 19, 2023 and July 31, 2023, I recommend the petition be deemed administratively complete and accepted for filing.