



## **Filing Receipt**

**Filing Date - 2023-08-24 01:48:13 PM**

**Control Number - 55020**

**Item Number - 14**

**DOCKET NO. 55020**

<b>PETITION OF NMCV TAYLOR</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>PROPERTY INVESTORS, LLC TO</b>	<b>§</b>	
<b>AMEND MANVILLE WATER SUPPLY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CORPORATION'S CERTIFICATE OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>WILLIAMSON COUNTY BY</b>	<b>§</b>	
<b>STREAMLINED EXPEDITED</b>	<b>§</b>	
<b>RELEASE</b>	<b>§</b>	

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

On May 18, 2023, NMCV Taylor Property Investors, LLC (NMCV Taylor) filed a petition to amend Manville Water Supply Corporation's (Manville) certificate of convenience and necessity (CCN) number 11144 in Williamson County by streamlined expedited release.

On August 3, 2023, the administrative law judge (ALJ) filed Order No. 4, requiring 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 for further processing of this docket by August 24, 2023. Therefore, this pleading is timely filed.

**I. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition and supplemental information and, as detailed in the attached memorandum from Chase Lipscomb of the Infrastructure Division, recommends that the petition be deemed administratively complete.

**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. NMCV Taylor stated that it mailed a copy of its petition to the CCN holder, Manville, at its physical address, by certified mail on the day the petition was filed with the Commission. NMCV Taylor also provided a copy of the date stamp and receipt from the U.S Postal Service evidencing the notice to Manville.

Additionally, Manville filed a Notice of Appearance of Counsel and Acknowledgment of Petition on August 23, 2023, in which Manville indicated that it acknowledges that NMCV Taylor has filed a petition and exhibits and stating that it does not object to the decertification of the territory referenced within the petition. Due to Manville's acknowledgement of NMCV Taylor's filed petition, Staff recommends that 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
Sixty-day administrative approval of streamlined expedited release	As soon as reasonably possible from the date of the issuance of the order finding the petition administratively complete
<b><i>In the event streamlined expedited release is granted and petitioner and CCN holder can select an agreed-upon appraiser</i></b>	
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
<b><i>In the event streamlined expedited release is granted and petitioner and CCN holder unable to select an agreed-upon appraiser</i></b>	
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 24, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Marisa Lopez Wagley  
Division Director

Sneha Patel  
Managing Attorney

/s/ Arnett D. Caviel  
Arnett D. Caviel  
State Bar No. 24121533  
1701 N. Congress Ave.  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7245  
(512) 936-7268 (Fax)  
Arnett.Caviel@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 24, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Arnett D. Caviel  
Arnett D. Caviel

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Arnett D. Caviel, Attorney  
Legal Division

**FROM:** Chase Lipscomb, Infrastructure Analyst  
Infrastructure Division

**DATE:** August 24, 2023

**RE:** Docket No. 55020 – *Petition of NMCV Taylor Property Investors, LLC to Amend Manville Water Supply Corporation's Certificate of Convenience and Necessity in Williamson County by Streamlined Expedited Release*

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On May 18, 2023, NMCV Taylor Property Investors, LLC (NMCV) filed a petition for streamlined expedited release from Manville Water Supply Corporation's (Manville WSC) water Certificate of Convenience and Necessity (CCN) No. 11144 in Williamson County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). NMCV asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Williamson County, which is a qualifying county.

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

The Administrative Law Judge ("ALJ") of the Public Utility Commission of Texas ("Commission") declared the supplemented SER Petition administratively complete on June 21, 2023. However, the Commission ALJ rescinded her finding of administrative completeness in Order No. 4 issued on August 3, 2023 and established a deadline of August 10, 2023 to provide proof of proper notice. Manville acknowledged in its August 23, 2023 filing that NMCV Taylor filed a petition and exhibits in this docket and that Manville does not object to the decertification of the territory referenced within the petition. Due to Manville's acknowledgement of the petition, Staff recommends that sufficient notice was provided by NMCV Taylor.

Based on the mapping review by Hank Journeay, Infrastructure Division, the revised maps and digital mapping data submitted with Item 4 on May 31, 2023 are sufficient for determining that the location of the tract of land considered for streamlined expedited release is located within Manville WSC's water CCN.

The landowner's total property is approximately 486.4 acres. The tract of land in the petition for streamlined expedited release is approximately 486.4 acres, of which approximately 486.4 acres overlap Manville WSC (CCN No. 11144) and would be decertified from CCN No. 11144.

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