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DOCKET NO. 55020

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

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

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 May 31, 2023, NMCV Taylor filed supplemental information.

On May 19, 2023, the administrative law judge (ALJ) filed Order No. 1, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the petition and notice by June 20, 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. 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. NMCV Taylor stated that it mailed a copy of its petition to the CCN holder, Manville, 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: June 20, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Lopez Wagley
Division Director

/s/ Phillip Lehmann
Phillip Lehmann
State Bar No. 24100140
1701 N. Congress Ave.
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7385
(512) 936-7268 (Fax)
phillip.lehmann@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 June 20, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Phillip Lehmann
Phillip Lehmann

Public Utility Commission of Texas

Memorandum

TO: Phillip Lehmann, Attorney
Legal Division

FROM: Chase Lipscomb, Infrastructure Analyst
Infrastructure Division

DATE: June 20, 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*

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.

Based on the mapping review by Hank Journey, 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.