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DOCKET NO. 55021

PETITION OF MC TRILOGY TEXAS,	§	PUBLIC UTILITY COMMISSION
LLC TO AMEND RCH WATER SUPPLY	§	
CORPORATION'S CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
ROCKWALL COUNTY BY	§	
STREAMLINED EXPEDITED RELEASE	§	

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

On May 18, 2023, MC Trilogy Texas, LLC (MC Trilogy) filed a petition for streamlined expedited release from the R C H Water Supply Corporation's (R C H WSC) Certificate of Convenience and Necessity No. 10087 under Texas Water Code § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). MC Trilogy asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Rockwall County, which is a qualifying county. MC Trilogy filed supplemental information on July 20, 2023.

On June 20, 2023, the administrative law judge filed Order No. 2 requiring parties to file comments on the administrative completeness of the petition and notice by August 21, 2023. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the supplemented petition and as detailed in the attached memorandum from Jolie Mathis of the Infrastructure Division, recommends that the supplemented 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. MC Trilogy stated that it mailed a copy of its petition to the CCN holder, R C H 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 supplemented 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 21, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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DOCKET NO. 55021

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 21, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Ian Groetsch

Ian Groetsch

Public Utility Commission of Texas

Memorandum

TO: Ian Groetsch, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: August 21, 2023

RE: Docket No. 55021 – *Petition of MC Trilogy Texas, LLC to Amend RCH Water Supply Corporation's Certificate of Convenience and Necessity in Rockwall County by Streamlined Expedited Release*

On May 18, 2023, MC Trilogy Texas, LLC (MC Trilogy) filed a petition for streamlined expedited release from R C H Water Supply Corporation's (R C H WSC) water Certificate of Convenience and Necessity (CCN) No. 10087 in Rockwall County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). MC Trilogy asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Rockwall County, which is a qualifying county.

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

Based on the mapping review by Dave Babicki, Infrastructure Division, the revised maps and digital mapping data submitted with Item 5 on July 20, 2023 are sufficient for determining the location of the tracts of land considered for streamlined expedited release located within R C H WSC's water CCN.

The landowner's total property includes Tract 1 with approximately 650.1 acres, and Tract 2 with approximately 243.2 acres, resulting in approximately 893.3 total acres.

The tract of land in the petition for streamlined expedited release includes Tract 1 with approximately 509.8 acres, and Tract 2 with approximately 212.3 acres, resulting in approximately 722.1 total acres. Tract 1 is located west of the intersection of Farm to Market 550 and Pullen Road. Tract 2 is located east of the intersection of Farm to Market 550 and Pullen Road. Tract 1 and Tract 2 are non-contiguous tracts of land, and both meet the 25-acre requirement.

The landowner's total property is approximately 893.3 acres. The tract of land in the petition for streamlined expedited release is approximately 722.1 acres, of which approximately 721.1 acres overlap R C H WSC (CCN No. 10087) and would be decertified from CCN No. 10087.

Based on my technical and managerial review and the mapping review by Dave Babicki of the additional information provided by R C H WSC on July 20, 2023, I recommend the petition be deemed administratively complete and accepted for filing.