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DOCKET NO. 55238

PETITION OF JEFFERSON TRIANGLE	§	PUBLIC UTILITY COMMISSION
MARINE, LP TO AMEND MANVILLE	§	
WATER SUPPLY CORPORATION'S	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN TRAVIS COUNTY	§	
BY STREAMLINED EXPEDITED	§	
RELEASE	§	

ORDER NO. 3
GRANTING MOTION TO INTERVENE AND DENYING
WAIVER OF COMPENSATION PHASE AS MOOT

This Order addresses Manville Water Supply Corporation's motion to intervene in this proceeding and Jefferson Triangle Marine, LP's motion to waive the compensation phase of this proceeding.

I. Granting Motion to Intervene

On August 24, 2023, Manville WSC filed, among other things, a motion to intervene in this proceeding. Manville WSC has a justiciable interest that may be adversely affected by the outcome of this proceeding. No party objected to the motion. Accordingly, the administrative law judge grants the motion to intervene.

For service of pleadings, the service list in this proceeding is available from the Public Utility Commission of Texas by emailing CADMOOrders@puc.texas.gov and requesting a copy of the service list in Docket No. 55238. **Service of pleadings is typically governed by 16 Texas Administrative Code (TAC) § 22.74. However, the Commission's Second Order Suspending Rules¹ has suspended certain service requirements found in 16 TAC § 22.74. Accordingly, a filing party must provide notice by e-mail of any pleading or document filed. It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange.**

All parties must provide their current address, **e-mail address**, telephone and fax numbers, if available, to all other parties and the Commission by filing and serving all parties with such

¹ *Issues Related to the State of Disaster for the Coronavirus Disease*, Docket No. 50664, Second Order Suspending Rules (July 16, 2020).

information. Each party must provide the Commission and all parties with updated address, **e-mail address**, telephone, and fax information if such information changes. **The e-mail addresses**, telephone and fax numbers will be placed on the service list for the convenience of the parties. Parties are responsible for updating their own service lists to reflect changed information and the addition of any other parties.

Filing of pleadings is typically governed by 16 TAC § 22.71. However, the Commission's Second Order Suspending Rules suspended certain filing requirements found in 16 TAC § 22.71. As long as the Second Order Suspending Rules remains in effect, all parties must file any pleading or document with the Commission solely through the Interchange on the Commission's website (<https://interchange.puc.texas.gov/filer>) and provide notice, by e-mail, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer. It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange.

II. Denying Motion to Waive Compensation Phase as Moot

On September 8, 2023, Jefferson Triangle moved to waive the compensation phase of this proceeding, on the grounds that it is moot, because Manville WSC does not seek compensation for release of the property owned by Jefferson Triangle. Jefferson Triangle's petition includes meeting minutes for Manville WSC's board of directors' meeting indicating that the board "approved" the decertification that is the subject of this petition. It is unclear from the minutes whether approval of decertification also means waiver of the right to compensation. However, in Manville WSC's motion to intervene, the CCN holder's counsel states that the board of directors has "waived any compensation that may have otherwise been due it under the compensation phase."

Jefferson Triangle, therefore, argues that the compensation phase of this case is moot. The administrative law judge (ALJ) disagrees and, therefore, denies the motion. There is no provision in the law whereby the compensation phase can be waived. However, the outcome of the compensation phase could be a determination that zero compensation is due. The streamlined expedited release rule, at 16 Texas Administrative Code (TAC) § 24.245(i), sets out the process for the compensation phase. The parties may choose to file appraisals. Alternatively, the parties may agree on the amount of compensation. If they choose the second alternative, they must "make a joint filing with the commission stating the amount of compensation to be paid." The agreed

amount of compensation to be paid can be \$0. Therefore, in the event release is granted, in order to obtain a quick resolution of the compensation phase, the parties are free to submit a joint filing stating that they have agreed that no compensation is due.

Signed at Austin, Texas the 29th day of September 2023.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

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