



Control Number: 47044



Item Number: 12

Addendum StartPage: 0

DOCKET NO. 47044

PETITION OF JEFF STOCKTON TO § PUBLIC UTILITY COMMISSION
AMEND JARRELL-SCHWERTNER §
WATER SUPPLY CORPORATION § OF TEXAS
WATER CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
WILLIAMSON COUNTY BY §
EXPEDITED RELEASE §

RECEIVED
2017 JUN -7 PM 2:32
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Recommendation on Administrative Completeness and would show the following:

I. BACKGROUND

On April 7, 2017, Jeff Stockton filed a petition for expedited release from Jarrell-Schwertner Water Supply Corporation's (JSWSC) water certificate of convenience and necessity (CCN) No. 10002 in Williamson County, pursuant to Tex. Water Code § 13.254(a-5) (TWC) and 16 Tex. Admin. Code § 24.113(r) (TAC).

In his application, Mr. Stockton asserted that he owns a 61.32 acre tract in Williamson County. Mr. Stockton further asserted that the property is not currently receiving water service from JSWSC. On May 8, 2017, JSWSC requested to intervene in the docket and filed a response to the petition on May 16, 2017. On May 15, 2017, the administrative law judge (ALJ) issued Order No. 3 which found the initial petition administratively incomplete and required that Staff file a supplemental recommendation by June 7, 2017. This pleading is therefore timely filed.

II. JURISDICTION AND LEGAL AUTHORITY¹

As an alternative to decertification, the TWC and TAC permit a landowner to petition the Commission for an expedited release of land from a CCN. The TWC and TAC have separate provisions for landowners seeking an expedited release.² As it relates to Mr. Stockton's application, the relevant portion of the TWC states:

¹ Commission rules regarding Streamlined Expedited Releases have been amended since the filing of this petition. The rules discussed herein are prior versions, as they are the applicable rules.

² See generally TWC § 13.254(a-1), (a-5); 16 TAC § 24.113(b), (r).

[T]he owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service may petition for expedited release from a certificate of public convenience and necessity and is entitled to that release if the landowner's property is located in a county with a population of at least one million, a county adjacent to a county with a population of at least one million, or a county with a population of more than 200,000 and less than 220,00 that does not contain a public or private university that had a total enrollment in the most recent fall semester of 40,000 or more, and not in a county that has a population of more than 45,500 and less than 47,500.³

The TAC similarly states:

[T]he owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service may petition for expedited release of the area from a CCN and is entitled to that release if the landowner's property is located in Atascosa, Bandera, Bastrop, Bexar, Blanco, Brazoria, Burnet, Caldwell, Kaufman, Collin, Comal, Dallas, Denton, Ellis, Fort Bend, Galveston, Guadalupe, Harris, Hays, Johnson, Kaufman, Kendall, Liberty, Montgomery, Parker, Rockwall, Smith, Tarrant, Travis, Waller, Williamson, Wilson, or Wise County.⁴

Pursuant to TWC § 13.254(a-5) and 16 TAC § 24.113(r), the Commission must render a decision on an application for expedited release "not later than the 60th day after the date the landowner files the petition." However, at its March 31, 2015 Open Meeting, the Commission decided that counting for a determination of the 60th day does not begin until after a determination of the administrative completeness is made.⁵

III. COMMENTS ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed Mr. Stockton's application and, as supported by the attached memorandum of Fred Bednarski of the Water Utilities Division, Staff recommends that the application be found administratively complete and deemed sufficient for filing. Petitioner supplemented the application with an affidavit signed by Charlsie Stockton and copies of both the warranty deed and Last Will and Testament of Betty Wynnell Stockton. The petitioner also included adequate maps delineating the requested area, and the subject tract is larger than 25 acres.

IV. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

³ TWC 13.254(a-5).

⁴ 16 TAC § 24.113(r).

⁵ OM Transcript, at p. 114 (Mar. 31, 2015).

Event	Deadline
Order regarding administrative completeness of Petition	Date of Order
Deadline for JSWSC to Respond to administratively complete petition ⁶	Seven (7) days from the Date of the Order
Deadline for Staff's Final Recommendation	Seven (7) days from the deadline for JSWSC's response
Deadline for Petitioner to file a Reply to JSWSC's Response and Staff's Final Recommendation ⁷	Seven (7) days from the deadline for Staff to file its Final Recommendation
Sixty (60) Day Administrative Approval	Sixty (60) days from the Order deeming the Petition administratively complete

V. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the above recommendation.

⁶ While JSWSC has already filed comments on the petition, the ALJ set the deadline to intervene prior to the date a determination of the administrative completeness could be made. Because additional pleadings and proof were necessary to make the petition administratively complete, Staff believes JSWSC should have an opportunity to respond to an *administratively complete* petition.

⁷ Please note that a Reply must be limited to briefing and argument, as any additional proof shall be deemed a new petition.

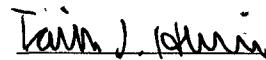
Dated: June 7, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

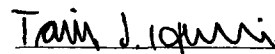


TJ Harris
Attorney – Legal Division
State Bar No. 24097804
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7216
(512) 936-7268 (facsimile)
TJ.Harris@puc.texas.gov

DOCKET NO. 47044

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on June 7, 2017 in accordance with 16 TAC § 22.74.


TJ Harris

PUC Interoffice Memorandum

To: TJ Harris, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utilities Division

From: Fred Bednarski, Financial Examiner
Water Utilities Division

Date: June 7, 2017

Subject: **Docket No. 47044:** *Petition of Jeff Stockton to Amend Jarrell-Schwertner Water Supply Corporation's Water Certificate of Convenience and Necessity in Williamson County by Expedited Release*

On April 07, 2017, Jeff Stockton ("Petitioner") filed a petition with the Commission for an expedited release from Jarrell-Schwertner Water Supply Corporation's ("WSC"), water Certificate of Convenience and Necessity (CCN) No. 10002, in Williamson County, under Texas Water Code § 13.254(a-5) (TWC) and 16 Texas Administrative Code § 24.113(r) (TAC). The Petitioner asserts that the land is at least 25 acres, is not receiving water service, and is located in Williamson County which is a qualifying county.

In response to Order No. 3, the petitioner filed additional information May 18, 2017. Staff has reviewed the additional information and finds the Petitioner has submitted an adequate map delineating the requested area for expedited release with enough detail to confirm the accurate positioning of their digital data pursuant to 16 TAC § 24.119. The map and digital data are sufficient for determining the location of the requested release area within the WSC's certificated area. Mapping Staff were able to confirm the acreage of the subject property, and determined that the requested area is located within the subject property. Furthermore, the Petitioner provided a copy of the Last Will and Testament of Betty Wynnell Stockton and warranty deed confirming the Petitioner's ownership of the tract of land within the subject property. Additionally the Petitioner provided signed affidavits attesting to the petition. The area being requested for expedited release is approximately 6 acres and is located in Williamson County, within the subject property of approximately 61.3 acres that is larger than 25 acres and owned by Petitioner.

The petition also included a statement that pursuant to Commission rules, a copy of the Petition was sent via certified mail to the WSC, the current holder of CCN No. 10002.

The petition meets the criteria set forth in TWC § 13.254 (a-5) and TAC § 24.113(r). Therefore, Staff recommends that the petition be deemed sufficient for filing.