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

PUBLIC UTILITY COMMISSION

COMMISSION STAFF'S 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.¹ On April 13, 2017, the administrative law judge (ALJ) issued Order No. 1 which required that Staff file comments on the administrative completeness of Stockton's application and proposed notice by May 8, 2017. This pleading is therefore timely filed.

II. JURISDICTION AND LEGAL AUTHORITY

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:

[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

¹ Petition, Exhibit A, p.2.

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

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 incomplete. In his affidavit, Mr. Stockton attested that both he and Charlsie A. Stockton are successors in interest to the property for which he seeks decertification, yet Charlsie Stockton has not filed an affidavit attesting to the petition. Furthermore, Mr. Stockton's petition contains neither a warranty deed confirming his ownership of the tract, other proof of his inheritance, nor documentation of notice to JSWSC.

Staff recommends that Mr. Stockton be required to cure the deficiencies by June 7, 2017, and that Staff file a supplemental recommendation on administrative completeness by July 7, 2017.

³ TWC 13.254(a-5).

⁴ 16 TAC § 24.113(r).

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

IV. PROPOSED PROCEDURAL SCHEDULE

Due to the deficiencies in the application, Staff does not propose a procedural schedule for evaluation of the merits at this time.

V. CONCLUSION

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

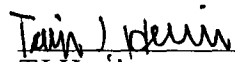
Dated: May 8, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

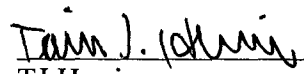


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DOCKET NO. 47044

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on May 8, 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: May 8, 2017

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

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.

Based on a review of the information in the application, Staff recommends that the application be deemed insufficient for filing and found administratively incomplete due to the deficiencies detailed below.

It appears the Petitioner is Jeff Stockton however, the interest in the property subject to decertification is attested to be held by Charlsie A. Stockton and Jeff Stockton. Staff also found the Petitioner did not provide a warranty deed confirming the Petitioner's ownership of the tract of land subject to release and did not provide documentation indicating that a copy of the Petition was sent via certified mail to the WSC.

Staff recommends the applicant provide the following information to address the deficiencies:

- An affidavit signed by Jeff Stockton and Charlsie A. Stockton attesting to the petition;
- A warranty deed confirming the Petitioner's ownership of the tract of land subject to release. If the property is still under the deceased predecessor's name, the Petitioner will need to include a certified copy of the will in which the Petitioner has been conveyed the property; and.
- Proof that a copy of the Petition was sent via certified mail to the WSC.