



Control Number: 48143



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APPLICATION OF SAMUEL  
SLEDGE FOR AN EXEMPT  
UTILITY REGISTRATION IN  
HARRIS COUNTY

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§

PUBLIC UTILITY COMMISSION  
OF TEXAS

### JOINT PROPOSED ORDER AND MOTION TO ADMIT EVIDENCE

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, along with 1118-1/2 So. Main Street, Highlands (Highlands) in response to Order No. 2 and files this Joint Proposed Notice of Approval and Request to Admit Evidence. Staff is authorized to state that Highlands is in agreement with this pleading.

#### I. BACKGROUND

On March 6, 2018, Samuel Sledge filed an application on behalf of 1118-1/2 So. Main Street, Highlands for exempt utility registration. Samuel Sledge co-owns the water system with Verna B. Sledge.<sup>1</sup> Notice of the application was filed in the *Texas Register* on March 23, 2018.<sup>2</sup> No comments or motions to intervene were filed. Staff recommended approval of the application on May 30, 2018.

Order No. 2, issued on April 12, 2018, established a deadline of June 18, 2018, for the parties to file joint proposed fact statements, legal conclusions, and ordering paragraphs, and a request to admit evidence. Therefore, this pleading is timely filed.

#### II. CORRECTION TO STAFF'S FINAL RECOMMENDATION

Staff filed its final recommendation recommending approval of the application on May 30, 2018. In the final recommendation, Staff incorrectly stated in the background section that Samuel Sledge had filed an application to amend water certificate of convenience and necessity (CCN) No. 11207 in Hunt County, Texas. Staff intended to state that Samuel Sledge filed an application on behalf of Highlands for an exempt utility registration in Harris County.

<sup>1</sup> Application at 4 (Mar. 6, 2018).

<sup>2</sup> Notice of Application for Exempt Utility Registration, 43 Tex. Reg. 1912, Docket No. 48143 (Mar. 23, 2018).

The final recommendation also incorrectly stated that Order No. 2 had been issued on March 9, 2018. Order No. 2 was issued on April 12, 2018.

### **III. REQUEST TO ADMIT EVIDENCE**

The parties request to admit the following evidence into the record of this proceeding: (a) the application of Highlands for exempt utility registration and all attachments thereto, filed on March 6, 2018, (b) Staff's recommendation on Administrative Completeness, filed on April 6, 2018, (c) consent to tariff and map signed by Samuel Sledge, filed on May 16, 2018, (d) Commission Staff's Final Recommendation and all attachments thereto, filed on May 30, 2018, and (e) this Joint Proposed Order and Motion to Admit Evidence, in order to include the corrections to Staff's final recommendation, filed on June 18, 2018.

### **IV. PROPOSED ORDER**

The Proposed Order would declare Highlands an exempt utility and assign it Exempt Registration No. N0078. The Proposed Order would also declare the docket was processed in accordance with applicable statutes and Commission rules. There are no contested issues of law or fact in this proceeding.

### **V. CONCLUSION**

Staff recommended approval of the application on May 30, 2018. The parties respectfully request that the Commission adopt the attached findings of fact and conclusion of law included in the attached Proposed Order.

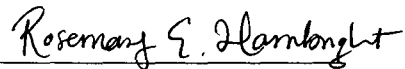
Date: June 18, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Stephen Mack  
Managing Attorney

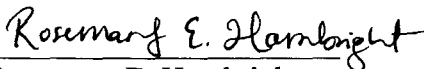


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**DOCKET NO. 48143**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on June 18, 2018, in accordance with 16 Texas Administrative Code § 22.74.



Rosemary E. Hambright

**DOCKET NO. 48143**

**APPLICATION OF SAMUEL SLEDGE     §     PUBLIC UTILITY COMMISSION**  
**FOR AN EXEMPT UTILITY           §**  
**REGISTRATION IN HARRIS COUNTY   §                   OF TEXAS**

**ORDER**

This Order addresses 1118-1/2 So. Main Street, Highlands (Highlands) application for exempt utility registration. Commission Staff recommended approval of the application. The Commission approves the application.

The Commission adopts the following findings of fact and conclusions of law:

**I. Findings of Fact**

**Procedural History**

1. On March 6, 2018, Samuel Sledge, co-owner, filed an application on behalf of Highlands for exempt utility registration for water service in Harris County.
2. On March 9, 2018, Order No. 1 was issued requiring comments on the application and notice, requesting a procedural schedule, and addressing other procedural matters.
3. On April 6, 2018, Commission Staff recommended that the application be found administratively complete and proposed a procedural schedule.
4. On April 12, 2018, Order No. 2 was issued finding the application administratively complete and establishing a procedural schedule for further processing.
5. On May 16, 2018, Highlands filed a consent form concurring with the map and tariff as prepared by Commission Staff.
6. On May 30, 2018, Commission Staff recommended approval of the application, final map, and tariff.
7. The map and tariff referenced in findings of fact \_ and \_ are attached to this Order.
8. On June 18, 2018, Commission Staff and Highlands filed a joint motion to admit evidence.
9. On \_\_\_, 2018, Order No. 3 was issued admitting evidence into the record of this proceeding.

**Certificate Not Required**

10. Highlands is a utility that has less than 15 potential service connections.
11. Highlands is not owned by or affiliated with a retail public utility or any other provider of potable water service.
12. Highlands is not within the certificated area of another retail public utility.
13. Highlands is not within the corporate boundaries of a district or municipality.

**Informal Disposition**

14. Notice of the application was published in the *Texas Register* on March 9, 2018.
15. Highlands and Commission Staff are the only parties to this proceeding.
16. No issues of fact or law remain disputed by either party.

**II. Conclusions of Law**

1. The Commission has jurisdiction and authority over the application under Texas Water Code § 13.242(c)<sup>1</sup> and 16 Texas Administrative Code (TAC) § 24.103(e).
2. Highlands is eligible to operate without a certificate of convenience and necessity under TWC § 13.242(c) and 16 TAC § 24.103(e).
3. The application was processed in accordance with the requirements of TWC § 13.242(c) and 16 TAC § 24.103(e).
4. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

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<sup>1</sup> Tex. Water Code Ann. § 13.242(c) (West 2008 & Supp. 2017) (TWC).

**III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission approves Highlands's application.
2. Highlands is registered as an exempt water utility and assigned Exempt Registration No. N0078.
3. The tariff attached to this Order is approved.
4. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

**Signed at Austin, Texas the \_\_\_\_\_ day of \_\_\_\_ 2018.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**DEANN T. WALKER, CHAIRMAN**

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**ARTHUR C. D'ANDREA, COMMISSIONER**

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**SHELLY BOTKIN, COMMISSIONER**