



Control Number: 48180



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PETITION OF MARTIN FAMILY §
VENTURES LTD TO AMEND THE §
TOWN OF CUT AND SHOOT'S §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN MONTGOMERY §
COUNTY BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION

OF TEXAS

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**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 in response to Order No. 2, files this Supplemental Recommendation on Administrative Completeness. Staff recommends that the application continues to be deemed incomplete for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On March 16, 2018, Martin Family Ventures, LTD (Petitioner) filed a petition for expedited release from the Town of Cut and Shoot water Certificate of Convenience and Necessity (CCN) No. 11615, in Montgomery County. Specifically, Petitioner seeks expedited release of 382.142 acres from Town of Cut and Shoot's CCN under Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code § 24.113(1) (TAC).

On April 18, 2018, the Commission administrative law judge (ALJ) issued Order No. 2, finding the application deficient and requiring Petitioner to file a supplement to cure the deficiencies by May 16, 2018. Petitioner filed a supplement to the application on May 10, 2018. Order No. 2 also required Staff to file a supplemental recommendation regarding the administrative completeness of the application by May 30, 2018. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Sean Scaff in the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that it continues be found administratively incomplete. Staff recommends that Petitioner be ordered to cure the

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deficiencies identified in Mr. Scaff's memorandum. Staff notes that Petitioner should not issue notice until the application is found administratively complete.

III. PROCEDURAL SCHEDULE

Staff recommends that the application be found administratively incomplete. Therefore, Staff recommends that a deadline be established for the Petitioner to supplement the application by June 20, 2018. Additionally, Staff recommends that a deadline be established for Staff to review Petitioner's supplemental information and make a supplemental recommendation on the administrative completeness of the application by July 11, 2018.

IV. CONCLUSION

For the reasons discussed above, Staff recommends that the application be found administratively incomplete. Staff further recommends that the procedural schedule proposed above be adopted for further processing of this docket.


Dated: May 30, 2018

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on May 30, 2018, in accordance with 16 TAC § 22.74.



Landon J. Lill

PUC Interoffice Memorandum

To: Landon Lill, Attorney
Legal Division

From: Sean Scaff, Engineering Specialist
Water Utility Regulation Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

Date: May 25, 2018

Subject: **Docket No. 48180:** *Petition of Martin Family Ventures LTD to Amend the Town of Cut and Shoot's Certificate of Convenience and Necessity in Montgomery County by Expedited Release*

On March 16, 2018, Martin Family Ventures, LTD (Petitioner) filed a petition for a streamlined expedited release from the Town of Cut and Shoot's water Certificate of Convenience and Necessity (CCN) No. 11615 in Montgomery County. This petition is being reviewed under Tex. Water Code (TWC) § 13.254(a-5), and 16 Tex. Admin. Code (TAC) § 24.113(l).

On May 10, 2018, the petitioner filed additional information related to the property owner's affidavits. 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.

The Petitioner submitted the following affidavits attesting to the fact that they have not received service from the Town of Cut and Shoot:

- 1) Martin Family Ventures, LTD – approx. 167.2 acres
- 2) Forest Trace Court, LTD – approx. 77.2 acres
- 3) FM Properties – approx. 49.8 acres
- 4) Julie and Brad Dubros – approx. 83.1 acres
- 5) Martin Land Development, LLC – approx. 5.315 acres

Affidavits 1-4 should be considered appropriate for removal from the CCN. However, affidavit No. 5 represents a parcel of land under 25 acres, and which is non-contiguous to the other properties, and thus does not meet the Commissions criteria of an expedited release pursuant to (TWC) § 13.254(a-5), and (TAC) § 24.113(l).

Commission staff recommend allowing the applicant time to correct the application to address the approx. 5 acres plot of land.