



Control Number: 48397



Item Number: 9

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RECEIVED

PETITION OF STOECKER §
 CORPORATION TO AMEND THE §
 CITY OF CUT AND SHOOT'S §
 CERTIFICATE OF CONVENIENCE §
 AND NECESSITY IN MONTGOMERY §
 COUNTY BY EXPEDITED RELEASE §

2018 JUL 13 PM 1:43
 PUBLIC UTILITY COMMISSION
 PUBLIC UTILITY COMMISSION
 OF TEXAS
 OFFICE CLERK

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

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 and Notice. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On May 29, 2018, Stoecker Corporation (Stoecker) filed a request for an expedited release from the City of Cut and Shoot's (Cut and Shoot) Certificate of Convenience and Necessity (CCN) No. 11615 in Montgomery County. Specifically, Petitioner seeks expedited release of approximately 53 acres from the City of Cut and Shoot water CCN under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(1).

On June 29, 2018, Order No. 2 was issued, establishing a deadline of July 13, 2018, for Staff to file a supplemental recommendation on the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Elisabeth English in the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that it be found administratively complete.

III. NOTICE SUFFICIENCY

Pursuant to 16 TAC § 24.113(I)(3)(A)(vi), the landowner must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition with the Commission.

Stoecker asserts in their filing of July 6, 2018, that they provided notice to the CCN holder, the City of Cut and Shoot, by certified mail on July 2, 2018. The Commission also published notice of this petition in the *Texas Register* on June 15, 2018. Such notice meets the requirement of 16 TAC § 24.113(I). Accordingly, Staff recommends that the notice issued be found sufficient.

IV. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes that the below procedural schedule be used. Under TWC § 13.254(a-6), there is an expedited statutory deadline of 60 days for approval that begins once the administrative law judge (ALJ) issues an order finding an application administratively complete. Therefore, Staff requests that the ALJ populate the following deadlines accordingly when the ALJ issues that order.

Event	Date
Order regarding administrative completeness of the Petition	Date of Order
Deadline for Stoecker or intervenors to file a response to the administratively complete Petition	Seven (7) days from date of the Order deeming the Petition administratively complete
Deadline for Commission Staff's recommendation on final disposition	Seven (7) days from the deadline for Cut and Shoot and/or intervenors to file a response
Deadline for Stoecker to file a reply to Cut and Shoot's response and Commission Staff's recommendation on final disposition	Seven (7) days from the deadline for Commission Staff to file its final recommendation
Sixty (60) day administrative approval	Sixty (60) days from the Order deeming the petition administratively complete

V. CONCLUSION

For the reasons detailed above, Staff respectfully requests that an order be issued that finds (1) Stoecker's petition be found administratively complete and its notice sufficient and (2) adopts the above proposed procedural schedule.

Dated: July 13, 2018

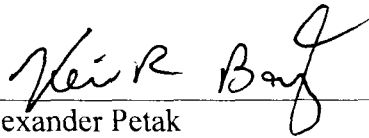
Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

WITH
PERMISSION



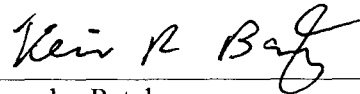
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DOCKET NO. 48397

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record July 13, 2018,
in accordance with 16 TAC § 22.74.

WITH
PERMISSION



Alexander Petak

PUC Interoffice Memorandum

To: Alex Petak Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Elisabeth English, Engineering Specialist
Water Utility Regulation Division

Date: July 13, 2018

Subject: **Docket No. 48397**, *Petition of Stoecker Corporation to Amend City of Cut and Shoot Water CCN No. 11615 in Montgomery County by Expedited Release*

On May 29, 2018 Stoecker Corporation (Petitioner) filed a request for an expedited release of approximately 53 acres from the City of Cut and Shoot's (Cut and Shoot) water Certificate of Convenience and Necessity (CCN) No. 11615 in Montgomery County. The petition is being reviewed under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(1). The Petitioner asserts that the land is at least 25 acres, is not receiving water service, and is located in Montgomery County, which is a qualifying county.

The Petitioner has provided 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 Cut and Shoot's certificated area. Mapping Staff were able to confirm the acreage of the subject property, and determined that the requested release area is located within the subject property. Furthermore, the Petitioner provided a deed confirming the Petitioner's ownership of the subject property. The Petitioner submitted a sworn affidavit attesting that the subject property was not receiving water utility service from Monarch. The area being requested for expedited release is approximately 53 acres.

The original petition did not include a statement pursuant to Commission rules that a copy of the petition was sent via certified mail to Cut and Shoot, the current holder of CCN No. 11615. The Petitioner supplemented the petition on June 28, 2018 with a letter stating that a copy of the petition was sent to Cut and Shoot but appears to have been lost prior to delivery. The Petitioner stated that a second copy of the petition was sent to Cut and Shoot, and that the return receipt would be filed in the docket as proof of notice. The proof of notice was filed by the Petitioner on July 6, 2018.

Staff recommends that the petition be deemed sufficient for filing. As summarized above, the petition meets the criteria set forth in TWC § 13.254(a-5) and TAC § 24.113(1).