



Control Number: 48603



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DOCKET NO. 48603

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

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PUBLIC UTILITY COMMISSION
OF TEXAS

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FILING CLERK

NOTICE OF APPROVAL

This Notice addresses the petition of the Stoecker Corporation to amend the Town of Cut and Shoot's water certificate of convenience and necessity (CCN) number 11615 in Montgomery County by expedited release. The Commission approves the petition and removes the 322.440-acre tract of land identified in the petition from Cut and Shoot's CCN.

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

I. Findings of Fact

Petitioner

1. Stoecker is a Texas domestic for-profit corporation registered with the Texas Secretary of State on June 21, 1990 under number 0115722500.

Petition

2. On August 17, 2018, Stoecker filed a petition for the expedited release of a 322.440-acre tract of land in Montgomery County that is within Cut and Shoot's service area for CCN number 11615.
3. The 322.440-acre tract of land comprises a 48.201-acre parcel, a 74.519-acre parcel, and a 199.720-acre parcel.
4. The petition included a warranty deed conveying the 48.201-acre parcel to Stoecker and a second warranty deed conveying both the 74.519-acre parcel and the 199.720-acre parcel to Stoecker.
5. The petition included a map of the tract of land and a map identifying the tract within Cut and Shoot's certificated service area.

6. The petition included the signed statement of Scott Stevens as the agent and attorney-in-fact for Stoecker, dated August 13, 2018, in which he stated that he was the authorized representative of Stoecker, that Stoecker owns the 322.440-acre tract, and that the tract has never received water service from Cut and Shoot.
7. In Order No. 3 issued September 13, 2018, the administrative law judge (ALJ) found the petition administratively complete.

Notice

8. Notice of the petition appeared in the August 31, 2018 issue of the *Texas Register*.
9. The petition included a certified-mail return receipt, signed by Lavonne Renfro, and a copy of a mailing label addressed to Cut and Shoot.
10. In Order No. 3 issued September 13, 2018, the ALJ found that notice of the application was sufficient.

Location

11. Montgomery is adjacent to Harris County.
12. Harris County has a population over 1,000,000 people.

Water Service

13. There is no evidence that Cut and Shoot has committed or dedicated facilities or lines to provide water service to the 322.440-acre tract of land.
14. There is no evidence that Cut and Shoot has performed any acts or supplied anything to the 322.440-acre tract of land.
15. The 322.440-acre tract of land is not receiving actual water service from Cut and Shoot.

Useless and Valueless

16. Cut and Shoot did not identify any property that is rendered useless or valueless by the decertification.

Informal Disposition

17. More than 15 days have passed since the completion of notice provided in this docket.

18. Commission Staff and Stoecker are the only parties to this proceeding.
19. No party requested a hearing.
20. The amendment is not adverse to any party.

II. Conclusions of Law

1. The Commission has jurisdiction over this petition under Texas Water Code (TWC) § 13.254(a–5) and 16 Texas Administrative Code (TAC) § 24.245(l).
2. Montgomery County is a qualifying county under TWC § 13.254(a–5) and 16 TAC § 24.245.
3. Notice of the petition was provided in compliance with 16 TAC § 24.245(l)(3)(A)(vi) and 16 TAC § 22.54.
4. The 48.201-acre, 74.519-acre, and 199.720-acre parcels of land form a single 322.440-acre tract of land as that term is used in TWC § 13.254(a–5).
5. The 322.440-acre tract of land is not receiving water service, as that phrase has been defined by Texas courts, from Cut and Shoot in accordance with TWC § 13.254(a–5).
6. The area or areas to be released from a CCN under TWC § 13.254(a–5) and 16 TAC § 24.245(l) maybe smaller in acreage than the tract of land.
7. No property of has been rendered useless or valueless by the decertification; therefore, under TWC § 13.254(d) through (g), no compensation is owed to Cut and Shoot.
8. Because no compensation is owed under TWC § 13.254(d) through (g), a retail public utility may render retail water service directly or indirectly to the public in the decertified area without providing compensation to Cut and Shoot.
9. Stoecker has sufficiently satisfied the requirements of TWC § 13.254(a–5) and 16 TAC § 24.245 by adequately demonstrating ownership of a tract of land that is at least 25 acres, is located in a qualifying county, and is not receiving water service.
10. The Commission processed the petition in accordance with the Administrative Procedure Act,¹ the TWC, and Commission rules.

¹ Tex. Gov't Code §§ 2001.001–.902.

11. Under TWC § 13.257(r) and (s), Cut and Shoot is required to record a certified copy of the approved certificate and map, along with a boundary description of the service area, in the real property records of each county in which the service area or a portion of the service area is located, and submit to the Commission evidence of the recording.
12. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.


III. Ordering Paragraphs

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

1. The Commission approves the petition, and removes 322.440 acres from Cut and Shoot's water CCN number 11615.
2. The Commission amends Cut and Shoot's water CCN number 11615 in accordance with this Notice.
3. The Commission's official service area boundary maps for Cut and Shoot will reflect this change, as provided in the attached map.
4. Cut and Shoot must comply with the recording requirements of TWC § 13.257(r) and (s) for the area in Montgomery County affected by the petition and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
5. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 29TH day of November 2018.

PUBLIC UTILITY COMMISSION OF TEXAS



GABRIEL P. SOTO
ADMINISTRATIVE LAW JUDGE



Public Utility Commission Of Texas

By These Presents Be It Known To All That

Town of Cut and Shoot

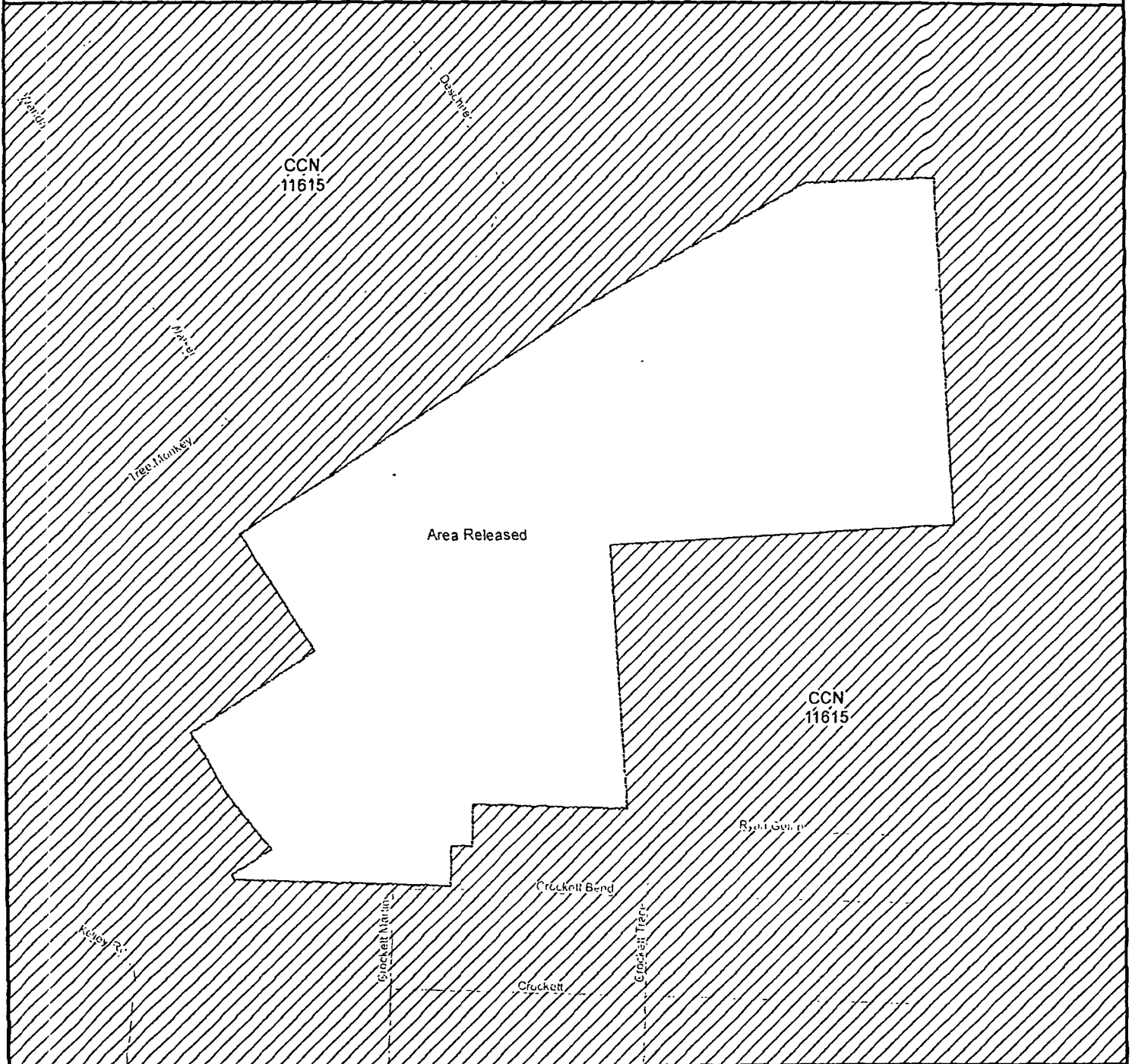
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Town of Cut and Shoot, is entitled to this

Certificate of Convenience and Necessity No. 11615

to provide continuous and adequate water utility service to that service area or those service areas in Montgomery County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48603 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Town of Cut and Shoot, to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this 29TH day of NOVEMBER 2018.

Town of Cut and Shoot
 Portion of Water CCN No. 11615
 PUC Docket No. 48603
 Petition by Stoecker Corporation to Amend Town of Cut and Shoot by
 Expedited Release in Montgomery County



Public Utility Commission of Texas
 1701 N. Congress Ave
 Austin, TX 78701

Water CCN

 11615 - Town of Cut and Shoot

 Property Boundary

 Area Released

0 500 1,000
 Feet



Map by Komal Patel
 Date created September 25, 2018
 Project Path n Vinalmapping\
 48603TownofCutandShoot.mxd