



Control Number: 48846



Item Number: 8

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DOCKET NO. 48846

**PETITION OF SIG-WAUKEGAN §
WILLIS LLC 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

2019 JAN -8 PM 3:00
PUBLIC UTILITY COMMISSION
FILING CLERK

NOTICE OF APPROVAL

This Notice of Approval addresses the petition of Sig-Waukegan Willis LLC to amend the Town of Cut and Shoot's (Cut and Shoot) water certificate of convenience and necessity (CCN) by expedited release. The Commission approves the petition and removes the approximately 263 acres owned by Sig-Waukegan Willis LLC from Cut and Shoot's water CCN number 11615.

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

I. Findings of Fact

Petitioner

1. Sig-Waukegan Willis LLC (SWW) is a domestic limited liability company registered with the Texas Secretary of State on November 29, 2017, under file number 802869546.
2. SWW owns approximately 263 contiguous acres of land located within the boundaries of Cut and Shoot's water CCN number 11615 in Montgomery County.

Petition

3. On November 2, 2018, SWW filed a petition for expedited release of its 262.89-acre tract of land in Montgomery County.
4. The tract of land is within Cut and Shoot's service area for CCN number 11615.
5. Montgomery County is adjacent to Harris County, which is a county with a population of over one million.
6. SWW provided a warranty deed confirming its ownership of the tract of land, and maps confirming the land's location.

7. Daniel K. Signorelli, manager of SWW, provided a notarized affidavit signed on October 30, 2018, affirming that the tract of land is owned by SWW, is more than 25 acres, is not receiving water service, is within the boundaries of CCN number 11615 held by Cut and Shoot, and is located entirely in Montgomery County.
8. In Order No. 2, issued on November 27, 2018, the administrative law judge (ALJ) found the petition administratively complete.

Notice

9. On November 2, 2018, SWW certified that it sent a true and correct copy of the petition via certified mail to Cut and Shoot.
10. Notice of the petition appeared in the November 16, 2018 issue of the *Texas Register*.
11. In Order No. 2, issued on November 27, 2018, the ALJ found the notice sufficient.

Intervention

12. Cut and Shoot did not seek to intervene in this proceeding.

Water Service

13. There is no evidence that Cut and Shoot has committed or dedicated facilities or lines providing water service to the tract of land.
14. There is no evidence that Cut and Shoot has performed act or supplied anything to the tract of land.
15. Cut and Shoot has not committed facilities or lines providing water service to the tract of land.
16. Cut and Shoot has not performed acts or supplied anything to the tract of land.
17. The tract of land is not receiving water service from Cut and Shoot.

Determination of Useless or Valueless Property

18. There is no evidence that Cut and Shoot owns any property that will be rendered useless or valueless by the decertification.

Informal Disposition

19. More than 15 days have passed since the completion of the notice in this docket.
20. Commission Staff and SWW are the only parties to this proceeding.
21. No party requested a hearing.
22. There were no protests, motions to intervene, or requests for hearing filed.
23. The granting of the petition will not be adverse to any party; therefore, no hearing is required.
24. No party disputed any issue of law or fact.
25. On December 12, 2018, Commission Staff recommended approval of the petition.

II. Conclusions of Law

1. The Commission has jurisdiction over this petition under Texas Water Code (TWC) § 13.254(a-5).
2. Notice of the petition was provided in compliance with 16 Texas Administrative Code (TAC) § 24.245(l) and 16 TAC § 22.55.
3. To obtain release under TWC § 13.254(a-5), a landowner must demonstrate that the landowner owns a tract of land that is at least 25 acres, that the tract of land is located in a qualifying county, and that the tract of land is not receiving water service.
4. Montgomery County is a qualifying county under TWC § 13.254(a-5) and 16 TAC § 24.245(l)
5. The tract of land is not receiving water service from Cut and Shoot in accordance with TWC § 13.254(a-5).
6. Because Cut and Shoot did not intervene in this case, it can be presumed that no property 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. TWC § 24.245(n)(3).

7. 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.
8. SWW has satisfied the requirements of TWC § 13.254(a-5) and 16 TAC § 24.245(l) 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.
9. The Commission processed the petition in accordance with the TWC, the Administrative Procedure Act,¹ and Commission rules.
10. 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.
11. 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 grants the petition and removes the 262.89-acre tract of land owned by SWW from Cut and Shoot's water CCN number 11615
2. The Commission amends Cut and Shoot's CCN number 11615 in accordance with this Notice of Approval.
3. The Commission's official service area boundary maps for Cut and Shoot's CCN will reflect this change, as shown on 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 of Approval.

¹ Administrative Procedure Act, Tex. Gov't Code ch. 2001.

5. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

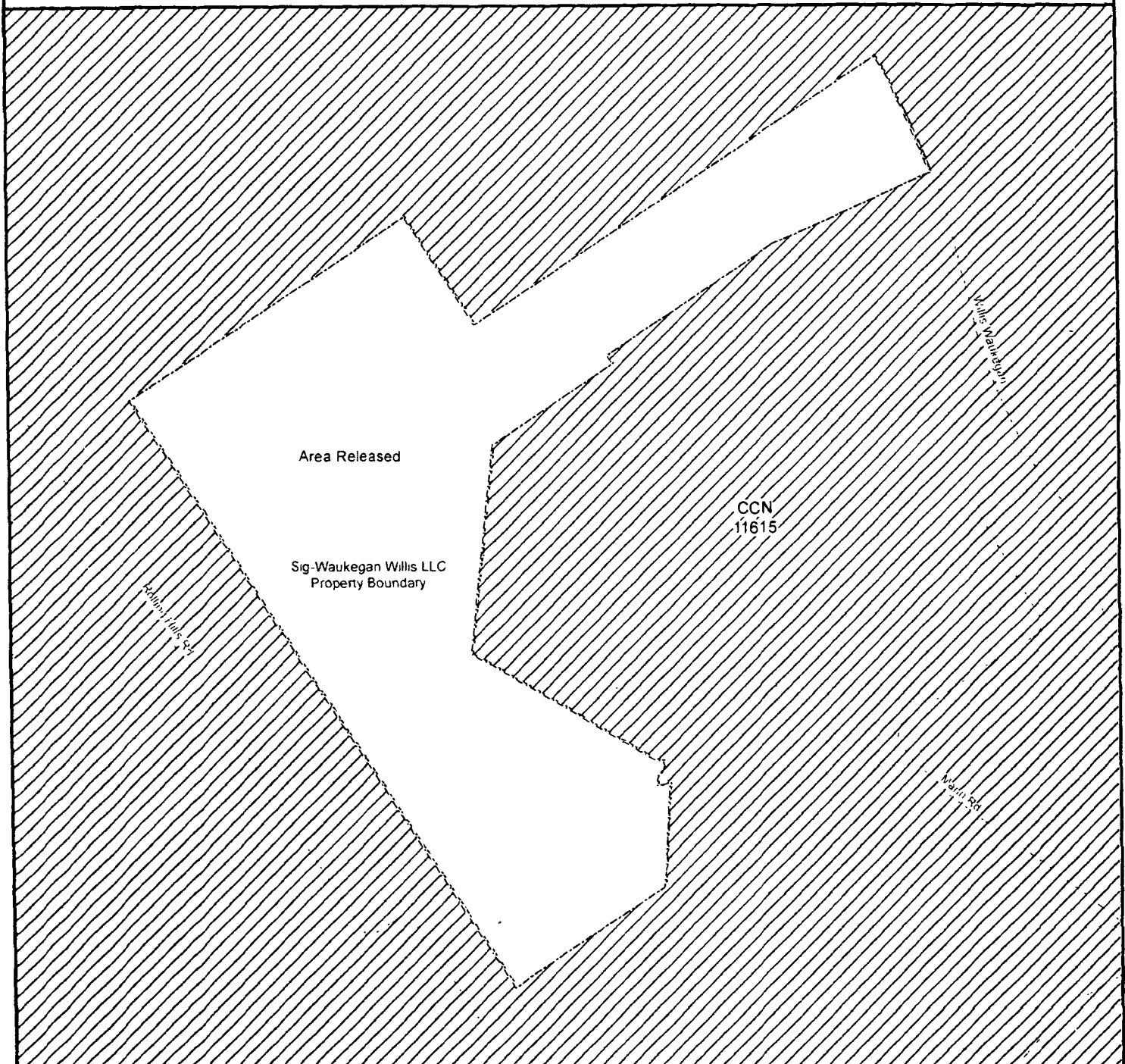
Signed at Austin, Texas the 8th day of January 2019.

PUBLIC UTILITY COMMISSION OF TEXAS


HUNTER BURKHALTER
ADMINISTRATIVE LAW JUDGE

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Town of Cut and Shoot
Portion of Water CCN No. 11615
PUC Docket No. 48846
Petition by Sig-Waukegan Willis LLC to Amend
Town of Cut and Shoot's CCN 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

 Area Released

 Property Boundary

0 500 1,000
Feet



Map by Komal Patel
Date created December 7, 2018
Project Path n:\finalmapping\
48846TownofCutandShoot.mxd



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, the 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. 48846 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 8th day of January 2019.