

Control Number: 50458



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DOCKET NO. 50458

**APPLICATION OF C&R WATER §
SUPPLY, INC. TO AMEND ITS §
CERTIFICATES OF CONVENIENCE §
AND NECESSITY AND TO §
DECERTIFY A PORTION OF TOWN §
OF CUT & SHOOT'S WATER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN MONTGOMERY §
COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2020 FEB 12 AM 10:05
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS, PROPOSED NOTICE, AND PROCEDURAL SCHEDULE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 1, files this Recommendation on Administrative Completeness, Proposed Notice, and Procedural Schedule. Staff recommends that the application be deemed deficient and that the applicant be ordered to address the identified deficiencies. In support thereof, Staff shows the following:

I. BACKGROUND

On January 17, 2020, C & R Water Supply, Inc. (C&R), filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 13098 and sewer CCN number 20987, and to decertify portions of the Town of Cut and Shoot's (Cut & Shoot) service area in Montgomery County under Texas Water Code Ann. (TWC) §§ 13.242-13.250 and the 16 Texas Administrative Code (TAC) §§ 24.225-24.237. The requested service areas consists of approximately 436 acres and 145 existing connections.

On January 22, 2020, Order No. 1 was issued establishing a deadline of February 16, 2020 for Staff to file a recommendation on the administrative completeness of the application and notice and propose a procedural schedule for further processing of the application. Therefore, this pleading is timely filed.¹

¹ Order No. 1 established a deadline of February 16, 2020, which is a Sunday, and the Commission is not open for business. Under 16 TAC § 22.4(a), the designated period runs until the end of the next day on which the Commission is open for business. In this case, the next day the Commission is open for business is February 18, 2020.

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II. ADMINISTRATIVE COMPLETENESS AND NOTICE

Staff has reviewed the application and, as is detailed in the attached memorandum from Elisabeth English, Infrastructure Division, recommends that it be found administratively incomplete at this time. Staff recommends that C&R be ordered to cure the deficiencies identified in Ms. English's memorandum by March 18, 2020, and that Staff be given a deadline of April 17, 2020, to file a supplemental recommendation on the administrative completeness of the application. Staff notes that C&R should not issue notice until the application is found administratively complete.

I. COMMENTS ON PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of this docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation for application sufficiency.

II. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be found administratively incomplete at this time and that C&R be ordered to file a supplement addressing the identified deficiencies in the application by March 18, 2020.

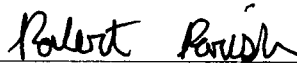
Dated: February 18, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 18, 2020, in accordance with 16 Texas Administrative Code § 22.74.



Robert Dakota Parish

Public Utility Commission of Texas

Memorandum

To: Robert Dakota Parish, Attorney
Legal Division

From: Elisabeth English, Engineering Specialist
Infrastructure Division

Date: February 14, 2020

Subject: **Docket No. 50458**, *Application of C&R Water Supply, Inc. to Amend its Certificate of Convenience and Necessity (CCN) and Decertify a Portion of Town of Cut & Shoots Water CCN in Montgomery County*

On January 17, 2020, C&R Water Supply, Inc. (C&R Water or Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 13098 and sewer CCN No. 20987 and decertify a portion of the Town of Cut & Shoot's water CCN 11615 in Montgomery County, Texas pursuant to Texas Water Code §§ 13.242 to 13.250 and the 16 Texas Administrative Code §§ 24.225 to 24.237. The requested area includes approximately 436 acres and 145 connections.

Staff recommends that the application be deemed administratively incomplete and not accepted for filing at this time. Staff requests that the Applicant be ordered to supplement their application with the items listed below.

1. A copy of the agreement map referenced as the "corrected maps" in the City of Cut and Shoot's regular meeting held on July 12, 2018.
2. Provide C&R Water's 2019 Financial Statements, including an income statement and balance sheet.
3. For the requested area not currently being served, provide a capital improvement plan, including a budget and an estimated timeline for construction of all facilities necessary to provide full service to the requested area,
4. Provide description of the sources of funding for all facilities that will be constructed to serve the requested area. Please include any developer agreements as applicable.