



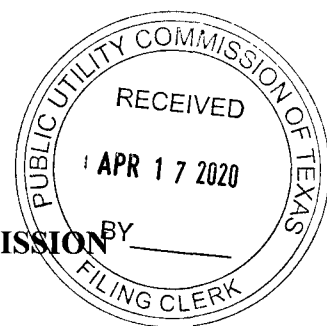
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DOCKET NO. 50458



**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**

COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS AND PROPOSED 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. 2, files this Supplemental Recommendation on Administrative Completeness of the Application and Proposed Procedural Schedule. Staff recommends that the application, as supplemented, be deemed sufficient for further review. 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 Cut and Shoot's 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. C&R filed supplemental information on March 19, 2020.

On February 20, 2020, Order No. 2 was issued establishing a deadline of April 17, 2020 for Staff to file a supplemental recommendation on the administrative completeness of the application and propose a procedural schedule for further processing of the application. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information and, as detailed in the attached memorandum of Elisabeth English, Infrastructure Division, recommends that the application be found administratively complete and accepted for filing. Staff's recommendation

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on administrative completeness does not go to the merits of the application, only that it is administratively complete for further processing.

III. NOTICE

As detailed in the attached memorandum, Staff recommends that C&R proceed with providing public notice. Specifically, Staff recommends that C&R be directed to use the attached *Notice for Publication* form to publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County. Staff further recommends that C&R be directed to use the attached *Notice to Landowners, Neighboring Systems, and Cities* form to complete the following actions:

- 1) 1) Provide notice of the application to the following:
 - a) cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area, and any city with an extraterritorial jurisdiction that overlaps the requested area;
 - b) the county judge of each county that is wholly or partially included in the requested area;
 - c) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the requested area to be certified. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the requested area is located;
 - d) each groundwater conservation district that is wholly or partially included in the requested area;
 - e) any affected customers and other affected parties in the requested area; and,
 - f) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County.

- 2) Provide correct notice of the application to the following entities:
 - Aqua Texas Inc. (CCN No. 13203)
 - Crystal Springs Water Company Inc. (CCN Nos. 11373, 20782, 20906)
 - Highline Oaks Water Utility (CCN No. 13006)
 - T & W Water Service Company (CCN No. 12892)
 - Town of Cut and Shoot (CCN No. 11615)
 - City of Cut and Shoot
 - East Montgomery County Improvement District
 - Lone Star Groundwater Conservation District
 - San Jacinto River Authority
 - Montgomery County Judge

- 3) Provide an accurate map delineating the requested service area with each individual

notice to neighboring utilities, other affected parties, and customers.

- 4) File in the docket an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided. Also file a representative copy of the actual notice and a copy of the map that was included with each individual notice. All documentation must be filed within 30 days of the date of the notice. It is recommended that the applicants use the attached notice and affidavit to meet these requirements.

IV. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Staff therefore proposes the following procedural schedule:

Event	Date
Deadline for C&R to file with the Commission signed affidavits that notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation	June 1, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	June 15, 2020
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

For the reasons detailed above, Staff recommends that the application, as supplemented, be found administratively complete, that notice be issued, and that the proposed procedural schedule be adopted.

Dated: April 17, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/ Robert Dakota Parish
Robert Dakota Parish
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1701 N. Congress Avenue
P.O. Box 13326
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(512) 936-7442
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DOCKET NO. 50458

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on April 17, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Robert Dakota Parish
Robert Dakota Parish

Public Utility Commission of Texas

Memorandum

To: Robert Dakota Parish, Attorney
Legal Division

From: Elisabeth English, Engineering Specialist
Infrastructure Division

Date: April 17, 2020

Subject: **Docket No. 50458**, *Application of C&R Water Supply, Inc. to Amend its Certificate of Convenience and Necessity and Decertify a Portion of Town of Cut & Shoot's Water Certificate of Convenience and Necessity 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 Town of Cut & Shoots water CCN 11615 in Montgomery County, Texas in accordance with Texas Water Code §§ 13.242 to 13.250 and the 16 Texas Administrative Code §§ 24.101 to 24.107. The requested area includes approximately 436 acres and 145 connections.

Based on Staff's review of the above referenced application, Staff recommends that the application be deemed sufficient for filing and be found administratively complete. Staff also recommends the following actions be required of the Applicant:

- 1) Provide notice of the application to the following:
 - a) cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area, and any city with an extraterritorial jurisdiction that overlaps the requested area;
 - b) the county judge of each county that is wholly or partially included in the requested area;
 - c) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the requested area to be certified. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the requested area is located;
 - d) each groundwater conservation district that is wholly or partially included in the requested area;
 - e) any affected customers and other affected parties in the requested area; and,
 - f) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County.

- 2) Provide correct notice of the application to the following entities:
 - Aqua Texas Inc. (CCN No. 13203)
 - Crystal Springs Water Company Inc. (CCN Nos. 11373, 20782, 20906)
 - Highline Oaks Water Utility (CCN No. 13006)
 - T & W Water Service Company (CCN No. 12892)

Public Utility Commission of Texas

Memorandum

- Town of Cut and Shoot (CCN No. 11615)
 - City of Cut and Shoot
 - East Montgomery County Improvement District
 - Lone Star Groundwater Conservation District
 - San Jacinto River Authority
 - Montgomery County Judge
- 3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, and customers.
- 4) File in the docket an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided. Also file a representative copy of the actual notice and a copy of the map that was included with each individual notice. All documentation must be filed within 30 days of the date of the notice. It is recommended that the applicants use the attached notice and affidavit to meet these requirements.

Notice to Neighboring Systems, Landowners and Cities
NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER AND
SEWER UTILITY SERVICE IN MONTGOMERY COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 2020
(Neighboring System, Landowner or City)

(Address)

(City State Zip)

C & R Water Supply Inc. has filed an application with the Public Utility Commission of Texas (Commission) to amend its water CCN No. 13098 and sewer CCN No. 20987 and decertify a portion of the Town of Cut and Shoot's water CCN No. 11615, for the provision of utility service in Montgomery County.

The requested area is located approximately 2.25 miles east of downtown Cut and Shoot, TX, and is generally bounded on the north by Tree Monkey Road and Deschner Road; on the east by West Fork Spring Branch; on the south by Crocket Crossing; and on the west by Kelly Road and Cagle Branch

The requested area overlaps the boundaries of the San Jacinto River Authority. If the San Jacinto River Authority does not request a public hearing, the Commission shall determine that the district is consenting to C & R Water Supply Inc's request to provide retail water and sewer utility service in the requested area.

The **requested area for water and sewer** includes approximately 436 total acres and 145 current customers.

The **requested area to decertify** a portion from the Town of Cut and Shoot's water CCN No. 11615, includes approximately 115 total acres.

See enclosed map showing the requested area.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area (“opt out”) within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large scale map and a metes and bounds description of the landowner’s tract of land. In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas

Central Records

1701 N. Congress, P. O. Box 13326

Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-888-782-8477.

Notice for Publication

**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER AND
SEWER UTILITY SERVICE IN MONTGOMERY COUNTY, TEXAS**

C & R Water Supply Inc. has filed an application with the Public Utility Commission of Texas (Commission) to amend its water CCN No. 13098 and sewer CCN No. 20987, and decertify a portion of the Town of Cut and Shoot's water CCN No. 11615, for the provision of utility service in Montgomery County.

The requested area is located approximately 2.25 miles east of downtown Cut and Shoot, TX, and is generally bounded on the north by Tree Monkey Road and Deschner Road; on the east by West Fork Spring Branch; on the south by Crocket Crossing; and on the west by Kelly Road and Cagle Branch

The requested area overlaps the boundaries of the San Jacinto River Authority. If the San Jacinto River Authority does not request a public hearing, the Commission shall determine that the district is consenting to C & R Water Supply Inc's request to provide retail Water and Sewer utility service in the requested area.

The **requested area for water and sewer** includes approximately 436 total acres and 145 current customers.

The **requested area to decertify** a portion from the Town of Cut and Shoot's water CCN No. 11615, includes approximately 115 total acres.

A copy of the map showing the requested area is available at: 114 S. Danville, Willis, TX 77378

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date.

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Si desea información en español, puede llamar al 1-888-782-8477.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND
AFFECTED PARTIES
DOCKET NO. 50616

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual
notice to the following entities and customers:

DATE OF NOTICE

OATH

I, _____, being duly sworn, file this form as
_____ (indicate relationship to applicant, that is,
owner, member of partnership, title of officer of corporation, or other authorized representative of
applicant); that in such capacity, I am qualified and authorized to file and verify such form, am
personally familiar with the notices given with this application, and have complied with all notice
requirements in the application and application acceptance letter; and that all such statements made
and matters set for therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant,
or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. 50616

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____,
who being by me duly sworn, deposes and that (s)he is the

_____ of the _____
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas;
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 20____
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____