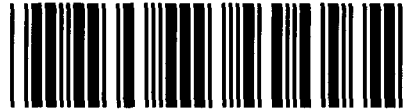


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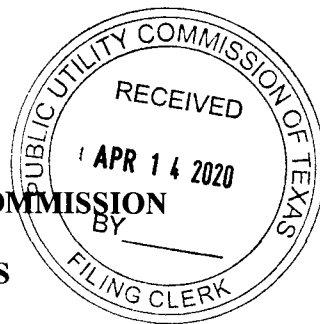
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DOCKET NO. 50488

**PETITION OF RIVER OAKS RANCH
WATER SYSTEM TO DISCONTINUE
WATER SERVICE AND CANCEL ITS
EXEMPT UTILITY REGISTRATION IN
BANDERA COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**



NOTICE OF APPROVAL

This Notice of Approval addresses the petition of River Oaks Ranch Water System to discontinue water service and cancel its associated exempt utility registration number N0069 in Bandera County. The Commission approves the petition to the extent provided in this Notice of Approval.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. River Oaks is a sole proprietorship owned by John W. Kiolbassa.
2. River Oaks currently holds exempt water utility registration number N0069 in Bandera County.

Petition

3. On January 27, 2020, River Oaks filed a petition to discontinue water service and cancel its associated exempt utility registration number N0069 in Bandera County.
4. As established by the petition: (a) River Oaks' Texas Commission on Environmental Quality (TCEQ)-approved public water system (PWS), identification number 0100103, has no existing connections and is listed as inactive with TCEQ; (b) all previous River Oaks customers have drilled their own private wells; (c) River Oaks acquired the PWS in 2013 from Carl B. Hildebrand; (d) River Oaks has had no metered connections with customers since August 16, 2019; and (e) River Oaks does not purchase water from any other source.
5. On February 18, 2020, River Oaks supplemented the petition with general and detailed location maps.

6. The area served under exempt utility registration number N0069 includes approximately 81 acres and no current customers.
7. In Order No. 2 filed on February 28, 2020, the administrative law judge (ALJ) found the petition administratively complete.

Notice

8. In Order No. 2 filed on February 28, 2020, the ALJ found that no notice was necessary because no customers were being served.

Evidentiary Record

9. On April 9, 2020, Commission Staff and River Oaks filed a motion to admit evidence.
10. In Order No. 3 filed on April 14, 2020, the ALJ admitted the following evidence into the record of this proceeding: (a) River Oaks' petition and accompanying attachments filed on January 27, 2020; (b) River Oaks' general and detailed location maps filed on February 18, 2020; (c) Commission Staff's administrative completeness recommendation filed on February 26, 2020; and (d) Commission Staff's final recommendation filed on March 26, 2020.

Effect on Customers and Landowners—16 TAC § 24.249(i)(1)

11. The proposed discontinuation of service will have no effect on former customers and landowners because they have all drilled their own private wells.

Costs Associated with Achieving Compliance—16 TAC § 24.249(i)(2)

12. River Oaks has a TCEQ-approved PWS, identification number 0100103.
13. The PWS is listed as inactive in the TCEQ Drinking Water Watch website.
14. The former customers and landowners of River Oaks have drilled private wells and are no longer being provided water service from River Oaks' PWS.
15. There is no need to achieve compliance because River Oaks has no customers.

Diligence in Locating Alternative Sources of Water Service—16 TAC § 24.249(i)(3)

16. All of River Oaks' former customers have drilled wells and no longer need service from River Oaks. As such, there is no need for River Ranch to locate alternative sources of water service.

Efforts to Sell Utility—16 TAC § 24.249(i)(4)

17. River Oaks was provided assistance by the TCEQ and the Commission to try to locate a purchaser for the system. Those efforts were unsuccessful.

Asking Price—16 TAC § 24.249(i)(5)

18. River Oaks did not provide an asking price for the purchase of the utility.

Relationship Between Applicant and Developer—16 TAC § 24.249(i)(6)

19. River Oaks is several owners removed from the original owner and developer of the River Oaks Ranch subdivision.

Availability of Alternative Sources of Water Service—16 TAC § 24.249(i)(7)

20. There are no other water providers or sources for water service willing to serve the former customers and landowners in the area. The former customers and landowners are using private wells for water service.

Feasibility of Obtaining Service from Alternative Sources—16 TAC § 24.249(i)(8)

21. The former customers and landowners in the area have already obtained service from an alternative source—private wells.

Informal Disposition

22. Notice of the petition was not required.
23. Commission Staff and River Oaks are the only parties to this proceeding.
24. No protests or motions to intervene were filed.
25. No party requested a hearing and no hearing is necessary.
26. Commission Staff recommended approval of the application.
27. This decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over the petition under Texas Water Code (TWC) §§ 13.041 and 13.250.
2. River Oaks is an exempt utility under 16 TAC § 24.229(e).

3. Notice of the application was not required because no customers exist.
4. The Commission processed the application in accordance with the requirements of the Administrative Procedure Act,¹ the TWC, and Commission rules.
5. After consideration of the factors in 16 TAC § 24.249(i), River Oaks has demonstrated that it meets the criteria to discontinue water service in Bandera County and cancel its exempt utility registration number N0069.
6. River Oaks has demonstrated that the discontinuation of its water service and the cancellation of its exempt utility registration number N0069 will serve the public interest.
7. The requirements for informal disposition under 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 to the extent provided in this Notice of Approval.
2. The Commission grants River Oaks' petition to discontinue water service in Bandera County and cancels River Oaks' exempt utility registration number N0069, effective the date of this Notice of Approval.
3. Commission Staff must remove River Oaks' area under registration number N0069 from its online map viewer.
4. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

¹ Tex. Gov't Code ch. 2001.

Signed at Austin, Texas the 14th day of April 2020.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

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