



Control Number: 50614



Item Number: 13

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APPLICATION OF THE TOWN OF
CUT AND SHOOT TO AMEND ITS
WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
MONTGOMERY COUNTY

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PUBLIC UTILITY COMMISSION
OF TEXAS

COMMISSION STAFF'S FINAL RECOMMENDATION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Final Recommendation. In support thereof, Staff shows the following:

I. BACKGROUND

On March 3, 2020, the Town of Cut and Shoot (Cut and Shoot) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11615 in Montgomery County, Texas. Cut and Shoot is requesting to decertify a portion of its service area consisting of approximately 23 acres and no current customer connections. Cut and Shoot filed supplemental information on April 6, 2020. Cut and Shoot filed proof of notice documentation on June 24, 2020 and June 25, 2020. Cut and Shoot filed consent forms to the map and certificate on November 16, 2020.

On September 3, 2020, the administrative law judge (ALJ) filed Order No. 4, requiring Staff to file a final recommendation on the application by November 18, 2020. Therefore, this pleading is timely filed.

II. FINAL RECOMMENDATION

Staff has reviewed Cut and Shoot's supplemented application and, as detailed in the attached memorandum of Jolie Mathis, Infrastructure Division, recommends that the application be approved. Staff's review indicates that Cut and Shoot meets the applicable technical, managerial, and mapping requirements of Texas Water Code (TWC) §§ 13.242-250 and 16 Texas Administrative Code (TAC) §§ 24.225-237 and therefore Staff recommends that Cut and Shoot be allowed to decertify the requested area.

Staff further recommends that Cut and Shoot file certified copies of the CCN maps along with a written description of the CCN service area in the Montgomery County clerk's office pursuant to TWC §§ 13.257 (r)-(s).

III. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that Cut and Shoot's application be approved.

Dated: November 18, 2020

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

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Managing Attorney

/s/ Robert Dakota Parish
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DOCKET NO. 50614

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 November 18, 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 Parish, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: November 18, 2020

RE: **Docket 50614**, *Application of the Town of Cut and Shoot to Amend its Water Certificate of Convenience and Necessity in Montgomery County*

On March 3, 2020, the Town of Cut and Shoot (Cut and Shoot), (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11615 in Montgomery County, Texas under Texas Water Code §§ 13.242 to 13.250 and 16 Texas Administrative Code §§ 24.225 to 24.237.

Background

Cut and Shoot is seeking to amend and decertify a water CCN for the service area containing approximately 23 acres and 0 existing customers.

Notice

The comment period ended July 4, 2020, and no protests or opt-out requests were received.

Factors Considered

TWC §§ 13.241 and 13.246, and 16 TAC § 24.227 require the Commission to consider certain factors when granting or amending a water or sewer CCN. Therefore, the following criteria were considered:

TWC § 13.246(c)(1) requires the Commission to consider the adequacy of service currently provided to the requested area.

Cut and Shoot has a Texas Commission on Environmental Quality (TCEQ) approved Public Water System (PWS) Identification No. 1700592. Cut and Shoot does not have any violations listed in the TCEQ database. No additional construction is necessary for Cut and Shoot to serve the requested area.

TWC § 13.246(c)(2) requires the Commission to consider the need for service in the requested area.

There is no need for service, as the area is being requested to be decertified.

TWC §§ 13.241(b) and 13.246(c)(3) requires the Commission to consider the effect of granting an amendment on the recipient of the certificate or amendment, on the landowners in the area, and on any other retail public utility of the same kind already servicing the proximate area.

Builders FirstSource (or “landowner”) wishes to receive service from a nearby provider and requested decertification from Cut and Shoot. Granting decertification of the requested area would release Cut and Shoot from its requirement to provide continuous and adequate service to the landowner and allow the landowner to make alternative arrangements for service.

TWC § 13.246(c)(4) requires the Commission to consider the ability of the applicant to provide adequate service.

There is no need for service, as the area is being requested to be decertified.

TWC § 13.246(c)(5) requires the Commission to consider the feasibility of obtaining service from an adjacent retail public utility.

Builders FirstSource owns a 21 acre tract on Waukegan Road and intends to develop it as a lumber yard which requires regular water service and fire protection. The City of Cut and Shoot does not have water lines in the area and has no plans to install them. Neighboring Crystal Springs Water Co., Inc. has agreed to install the necessary equipment at its nearby Forest Trace Water Plant to provide the required fire protection to the landowner.

TWC § 13.246(c)(6) requires the Commission to consider the financial ability of the applicant to pay for facilities necessary to provide continuous and adequate service.

There is no need for service, as the area is being requested to be decertified.

TWC § 13.246(d) allows the Commission to require an applicant to provide a bond or other financial assurance in a form and amount specified by the Commission to ensure that continuous and adequate utility service is provided.

There is no need for service, as the area is being requested to be decertified.

TWC §§ 13.246(c)(7) and (9) require the Commission to consider the environmental integrity and the effect on the land to be included in the certificate.

There will be no impact to the environmental integrity of the land if decertified from Cut and Shoot.

TWC § 13.246(c)(8) requires the Commission to consider the probable improvement in service or lowering of cost to consumers.

This is not applicable because there are no homes currently receiving service in the requested service area.

Based on the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review, I recommend that Cut and Shoot meets all of the statutory requirements of Texas Water Code Chapter 13 and the Commission's Chapter 24 rules and regulations, is capable of providing continuous and adequate service and approving this application to amend

and decertify a water CCN No. 11615 is necessary for the service, accommodation, convenience and safety of the public.

The Applicant consented to the attached map and certificate on November 16, 2020.



Public Utility Commission Of Texas

By These Presents Be It Known To All That

Town of Cut and Shoot

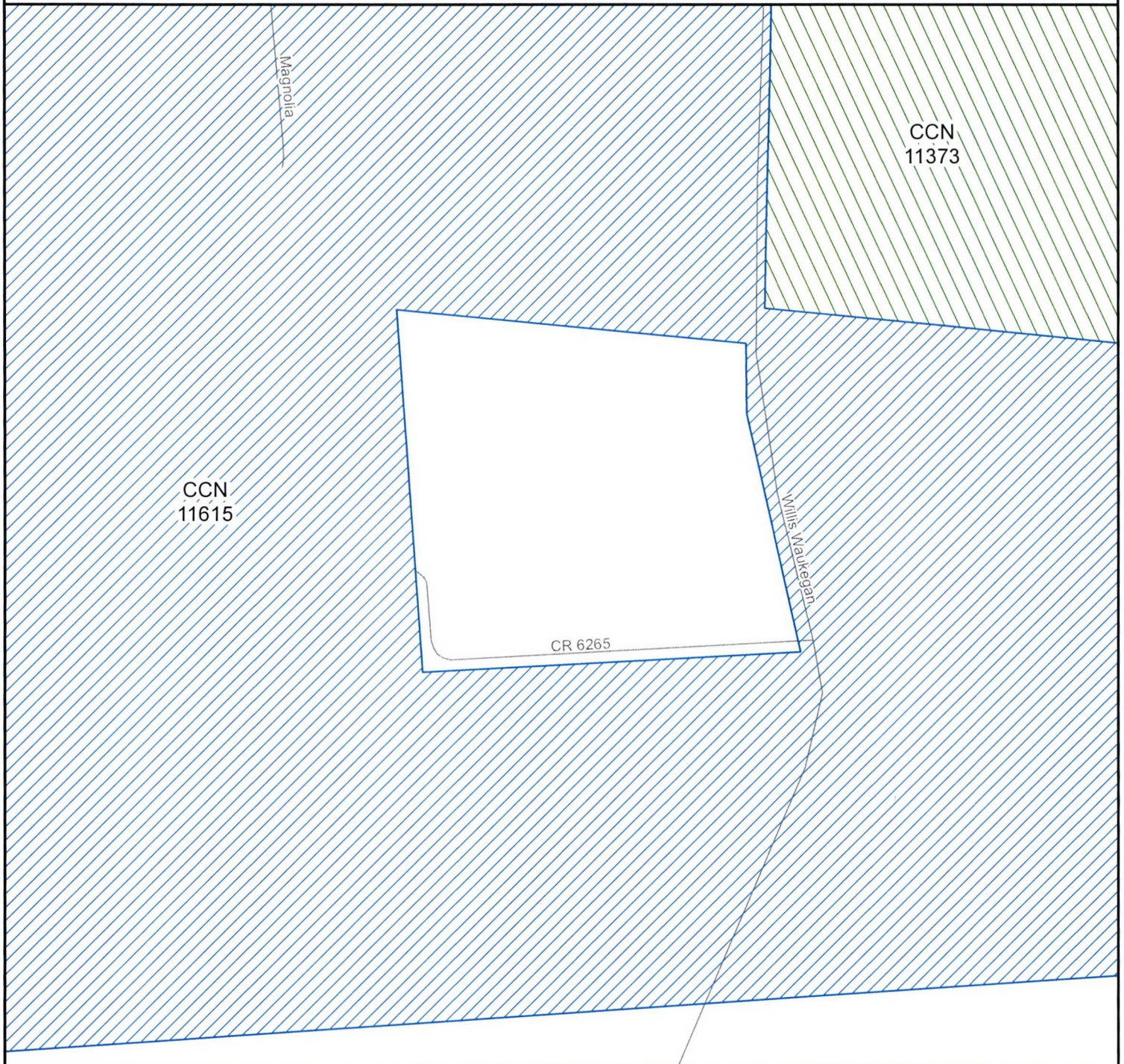
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Town of Cut and Shoot, is entitled to 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. 50614 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 _____ day of _____ 2020.

Town of Cut and Shoot
Portion of Water CCN No. 11615
PUC Docket No. 50614
Decertified a Portion of CCN No. 11615 in Montgomery County



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

Water CCN

-  11615 - Town of Cut and Shoot
-  11373 - Crystal Springs Water Co Inc

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Feet



Map by: Komal Patel
Date created: August 20, 2020
Project Path: n:\finalmapping\
50614TownofCutandShoot.mxd