

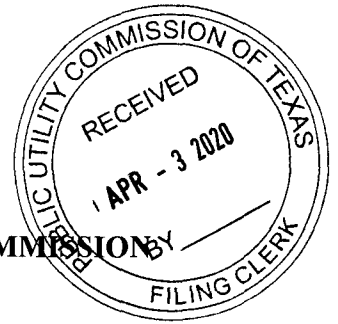


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DOCKET NO. 50614

**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 RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND PROPOSED NOTICE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Administrative Completeness and Proposed Notice, in response to Order No. 1. Staff recommends that the application be deemed administratively incomplete and that the applicant be ordered to address the identified deficiencies. 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. The requested service area consists of approximately 23 acres with no current customer connections.

On March 9, 2020, the Administrative Law Judge (ALJ) issued Order No. 1, establishing a deadline of April 3, 2020 for Staff to file a recommendation on the administrative completeness of the application and notice and to propose a procedural schedule for further processing of the application. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application filed by Cut and Shoot and, as detailed in the attached memorandum from Elisabeth English, Infrastructure Division, recommends that it be found administratively incomplete at this time. Staff recommends that Cut and Shoot be ordered to cure the deficiencies identified in Ms. English's memorandum by May 4, 2020, and that Staff be given a deadline of June 3, 2020, to file a supplemental recommendation on administrative completeness and proposed notice. Staff notes that Cut and Shoot should not issue notice until the application is found administratively complete.

III. COMMENTS ON PROCEDURAL SCHEDULE

In accordance with Staff's administratively incomplete 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 administrative completeness.

IV. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be found administratively incomplete at this time and that the Cut and Shoot be ordered to supplement the application to address the identified deficiencies by May 4, 2020.

Dated: April 3, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Robert Dakota Parish
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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 3, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Robert Dakota Parish
Robert Dakota Parish

PUC Interoffice Memorandum

To: Robert Dakota Parish, Attorney
Legal Division

From: Elisabeth English, Engineering Specialist
Infrastructure Division

Date: April 3, 2020

Subject: **Docket No. 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) filed an application to amend its water Certificate of Convenience and Necessity (CCN) in Montgomery County, Texas in accordance with Texas Water Code §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

Cut and Shoot seeks to decertify a portion, approximately 23 acres, of its water CCN No. 11615. The property owner, Builders FirstSource, has requested decertification of their 23-acre tract located within Cut and Shoot's CCN. Cut and Shoot's city council approved Builders FirstSource request at their October 10, 2019 meeting. Cut and Shoot does not have any water lines in the area or any intention to extend service to the area. Additionally, Builders FirstSource has found an alternate provider with the ability to provide the necessary water capacity and fire flow.

Staff recommends that the application be found deficient and not accepted for filing. The mapping documentation filed by Cut and Shoot does not meet the mapping requirements of 16 TAC § 24.257. Specifically, the general location map is deficient. Cut and Shoot must remove the existing CCNs from the general location map. Cut and Shoot must submit the following items to resolve the mapping deficiencies:

- A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.