



Control Number: 50614



Item Number: 6

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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 SUPPLEMENTAL 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 Supplemental Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be found administratively complete for further review. 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. Cut and Shoot filed supplemental information on April 6, 2020.

On April 6, 2020, the Administrative Law Judge (ALJ) issued Order No. 2, establishing a deadline of June 3, 2020 for Staff to file a supplemental recommendation on the administrative completeness of the application and to propose a procedural schedule for the further processing of the application. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information filed by Cut & Shoot and, as detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, recommends that it be found administratively complete and accepted for filing. Staff's recommendation on administrative completeness is not a comment on the merits of the application, but only that it is complete for further processing.

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III. NOTICE

As detailed in the attached memorandum, Staff recommends that Cut & Shoot proceed with providing public notice. Specifically, Staff recommends that Cut & Shoot be directed to use the attached *Notice to Landowners, Neighboring Systems, and Cities* form to complete the following actions:

- 1) Provide notice of the application by first-class mail 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:
 - *Aqua Texas Inc. (CCN No. 13203)*
 - *C & R Water Supply Inc. (CCN No. 13098)*
 - *Crystal Springs Water Company Inc. (CCN No. 11373)*
 - *Highline Oaks Water Utility (CCN No. 13006)*
 - *Quadvest LP (CCN No. 11612)*
 - *East Montgomery County Improvement District*
 - *San Antonio River Authority*
 - b. The county judge of each county that is wholly or partially included in the requested area:
 - *Montgomery County Judge*
 - c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Lone Star Groundwater Conservation District*
 - d. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by Cut & Shoot from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. Information related to districts including addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <http://www14.tceq.texas.gov/jwud/>.

- 2) Publish notice in a newspaper having general circulation in the county where the requested area is located, once each week for two consecutive weeks. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the notice was mailed, Cut & Shoot must file an affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.
- 3) Provide notice using the attached notice forms.
- 4) Provide a copy of a map delineating the requested area with each individual notice to neighboring utilities, other affected parties, and customers.

- 5) File in the docket a map and copy of notice along with the signed affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit for proof of newspaper publication.

IV. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

| Event | Date |
|---|---|
| Deadline for Cut & Shoot to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation | July 20, 2020 |
| Deadline for Staff to file a recommendation on sufficiency of notice | July 30, 2020 |
| Deadline to intervene | Thirty (30) days after notice is issued |

V. CONCLUSION

Staff respectfully requests that the application be found administratively complete and accepted for filing and that the procedural schedule proposed above be adopted.

Dated: June 3, 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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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 June 3, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Robert Dakota Parish
Robert Dakota Parish

PUCT Interoffice Memorandum

To: Robert Dakota Parish, Attorney
Legal Division

From: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

Date: June 3, 2020

Subject: **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 (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.

Staff has reviewed the additional information filed by the Applicant on April 6, 2020 and recommend that the application be deemed administratively complete. Staff further recommends the Applicant be ordered to do the following:

- 1) Provide notice of the application by first-class mail 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:
 - *Aqua Texas Inc. (CCN No. 13203)*
 - *C & R Water Supply Inc. (CCN No. 13098)*
 - *Crystal Springs Water Company Inc. (CCN No. 11373)*
 - *Highline Oaks Water Utility (CCN No. 13006)*
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 - b. The county judge of each county that is wholly or partially included in the requested area:
 - *Montgomery County Judge*
 - c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Lone Star Groundwater Conservation District*
 - d. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by the Applicant from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. Information related to districts including addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <http://www.t4.tceq.texas.gov/iwud/>.

- 2) Publish notice in a newspaper having general circulation in the county where the requested area is located, once each week for two consecutive weeks. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the

notice was mailed, Applicant must file an affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.

- 3) Provide notice using the attached notice forms.
- 4) Provide a copy of a map delineating the requested area with each individual notice to neighboring utilities, other affected parties, and customers.
- 5) File in the docket a map and copy of notice along with the signed affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit for proof of newspaper publication.

Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to the Applicant. The Applicant will have 20 days from the receipt of the RFI.

Notice for Publication

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

The Town of Cut and Shoot has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 11615 and to decertify a portion of CCN No. 11615 for the provision of retail Water utility service in Montgomery County.

The requested area is located approximately 1.7 mile(s) southeast of downtown Town of Cut and Shoot, Texas, and is generally bounded on the north by Gulf Coast and Santa Fe Railroad; on the east by Willis-Waukegan Road; on the south by 150 feet south of Frank Plunk Drive; and on the west by a parallel line 1,200 feet west of Willis-Waukegan Road. The total requested area includes approximately 23 acres and 0 current customers.

A copy of the map showing the requested area is available at: Cut and Shoot City Hall, 14391 Highway 105E, Cut and Shoot, TX 77306

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 a final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

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

Notice to Neighboring Systems, Customers and Cities

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

To: _____
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: _____, 20____

(Address)

(City State Zip)

The Town of Cut and Shoot has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 11615 and to decertify a portion of CCN No. 11615 for the provision of retail Water utility service in Montgomery County.

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

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 50614

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual
notice to the following entities, landowners 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 OF TEXAS



PUBLISHER'S AFFIDAVIT
DOCKET NO. 50614

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 _____