



## Filing Receipt

**Received - 2021-08-06 01:40:38 PM**  
**Control Number - 52148**  
**ItemNumber - 8**

**DOCKET NO. 52148**

<b>PETITION OF STOECKER CORP. TO</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>AMEND CITY OF CUT AND SHOOT'S</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>AND NECESSITY IN MONTGOMERY</b>	<b>§</b>	
<b>COUNTY BY EXPEDITED RELEASE</b>	<b>§</b>	

**ORDER NO. 3**  
**GRANTING STREAMLINED EXPEDITED RELEASE**

This Order addresses the petition by Stoecker Corp. for streamlined expedited release of a tract of land in Montgomery County from the service area under certificate of convenience and necessity (CCN) number 11615. The City of Cut and Shoot is the holder of CCN number 11615. For the reasons stated in this Order, the Commission releases the tract of land from Cut and Shoot's certificated service area. In addition, the Commission amends Cut and Shoot's CCN number 11615 to reflect the removal of the tract of land from the service area.

Following entry of this Order, the Commission will determine the amount of compensation, if any, to be awarded to Cut and Shoot, which will be addressed by separate order.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Petitioner**

1. Stoecker is a Texas corporation registered with the Texas secretary of state under number 0115722500.

**CCN Holder**

2. Cut and Shoot is a municipality in Montgomery County.
3. Cut and Shoot holds CCN number 11615 that obligates it to provide retail water service in its certificated service area in Montgomery County.

**Petition**

4. On May 24, 2021, the petitioner filed a petition for streamlined expedited release of a tract of land from the CCN holder's service area under CCN number 11615.
5. On June 8 and 14, 2021, the petitioner filed supplemental mapping information.

6. The petition and supplements to the petition include a general warranty deed dated March 3, 2021, with a metes and bounds description of the subject tract of land; maps; an affidavit, dated May 19, 2021, of Scott Stevens, the petitioner's authorized representative; minutes from the March 11, 2021 meeting of the CCN holder's city council; proof of notice to the CCN holder; digital mapping data; and a survey of the tract of land.
7. In Order No. 2 filed on July 2, 2021, the administrative law judge (ALJ) found the petition administratively complete.

#### **Notice**

8. The petitioner sent a copy of the petition to the CCN holder by certified mail, return receipt requested, on the date the petition was filed at the Commission.
9. In Order No. 2 filed on July 2, 2021, the ALJ found the notice sufficient.

#### **Intervention and Response to the Petition**

10. The CCN holder has not sought to intervene in this proceeding.
11. The petition included a copy of the CCN holder's minutes from its March 11, 2021 city council meeting, reflecting the CCN holder's agreement to release the petitioner's tract of land from its CCN number 11615.

#### **The Tract of Land**

12. The tract of land is located in Montgomery County.
13. The tract of land is approximately 29.988 acres.
14. The tract of land is located within the CCN holder's certificated service area.

#### **Ownership of the Tract of Land**

15. The petitioner acquired the tract of land by general warranty deed dated March 3, 2021.

#### **Qualifying County**

16. Montgomery County abuts Harris County and has a population of more than 47,500.
17. Harris County has a population of greater than one million people.

#### **Water Service**

18. The tract of land is not receiving actual water service from the CCN holder.
19. The tract of land has never received water service from the CCN holder.

20. The CCN holder has not committed or dedicated any facilities or lines to the tract of land for water service.
21. The CCN holder has no facilities or lines that provide water service to the tract of land.
22. The CCN holder has not performed any acts for or supplied anything to the tract of land.

**Map and Certificate**

23. On August 5, 2021, Commission Staff filed its recommendation on final disposition that included a certificate and a map on which it identified the tract of land in relationship to the CCN holder's certificated service area.

**II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. The Commission has authority over this petition for streamlined expedited release under Texas Water Code (TWC) §§ 13.254 and 13.2541.
2. The petitioner provided notice of the petition in compliance with 16 Texas Administrative Code (TAC) § 24.245(h)(3)(F).
3. No opportunity for a hearing on a petition for streamlined expedited release is provided under TWC §§ 13.254 or 13.2541 or 16 TAC § 24.245(h)(7).
4. Petitions for streamlined expedited release filed under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h) are not contested cases.
5. Landowners seeking streamlined expedited release under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h) are required to submit a verified petition through a notarized affidavit, and the CCN holder may submit a response to the petition.
6. To obtain release under TWC § 13.2541(b), a landowner must demonstrate that the landowner owns a tract of land that is at least 25 acres, that the tract of land is located in a qualifying county, and that the tract of land is not receiving service of the type that the current CCN holder is authorized to provide under the applicable CCN.
7. The petitioner owns the tract of land, which is at least 25 acres, for which it seeks streamlined expedited release through the petition.

8. Montgomery County is a qualifying county under TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).
9. The tract of land is not receiving water service under TWC §§ 13.002(21) and 13.2541(b) and 16 TAC § 24.245(h), as interpreted in *Texas General Land Office v. Crystal Clear Water Supply Corporation*, 449 S.W.3d 130 (Tex. App.—Austin 2014, pet. denied).
10. The petitioner is entitled under TWC § 13.2541(b) to the release of the tract of land from the CCN holder's certificated service area.
11. After the date of this Order, the CCN holder has no obligation under TWC §13.254(h) to provide retail water service to the tract of land.
12. The Commission may release only the property of the landowner from a CCN under TWC § 13.2541(b). The Commission has no authority to decerticate any facilities or equipment owned and operated by the CCN holder to provide retail water service through the streamlined expedited release process under TWC § 13.2541(b).
13. The Commission processed the petition in accordance with the TWC and Commission rules.
14. Under TWC § 13.257(r) and (s), the CCN holder is required to record certified copies of the approved certificate and map, along with a boundary description of the service area, in the real property records of Montgomery County no later than the 31st day after the date the CCN holder receives this Order.
15. A retail public utility may not under TWC § 13.254(d) provide retail water service to the public within the tract of land unless just and reasonable compensation under TWC § 13.254(g) has been paid to the CCN holder.

### **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission releases the tract of land identified in the petition from the CCN holder's service area under CCN number 11615.
2. The Commission does not decerticate any of the CCN holder's equipment or facilities that may lay on or under the tract of land.

3. The Commission amends CCN number 11615 in accordance with this Order.
4. The Commission approves the attached map.
5. The Commission approves the attached certificate.
6. The CCN holder must file in this docket proof of the recording required in TWC § 13.257(r) and (s) within 45 days of the date of this Order.
7. The proceeding to determine the amount of compensation to be awarded to the CCN holder, if any, commences with the filing of this Order in accordance with the schedule adopted in Order No. 2. Any decision on compensation will be made by a separate order.
8. The Commission denies all other motions and any other requests for general or specific relief not expressly granted by this Order.

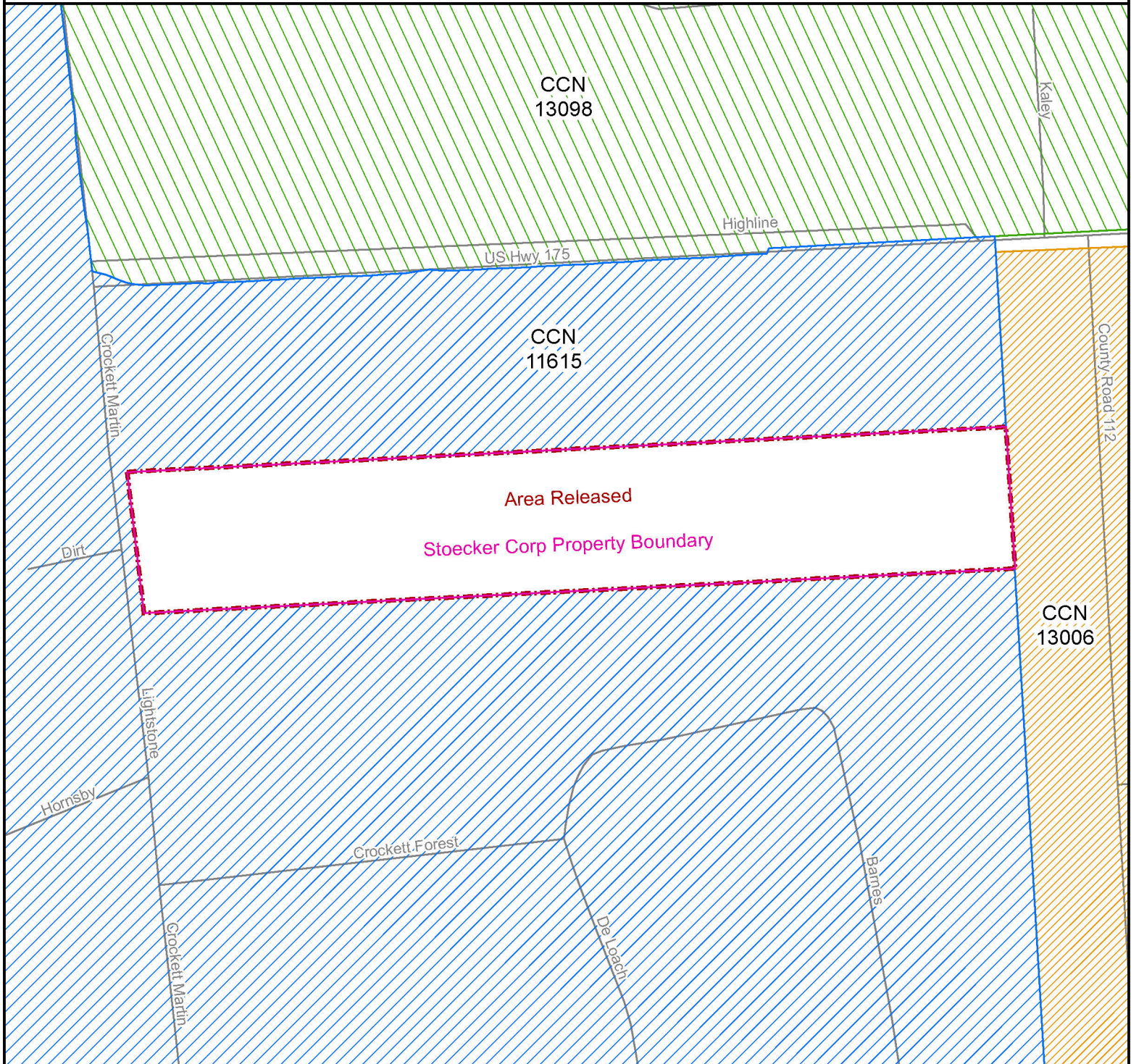
**Signed at Austin, Texas the 6th day of August 2021.**

**PUBLIC UTILITY COMMISSION OF TEXAS**




  
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**HUNTER BURKHALTER**  
**CHIEF ADMINISTRATIVE LAW JUDGE**



Town of Cut and Shoot  
 Portion of Water CCN No. 11615  
 PUC Docket No. 52148  
 Petition by Stoecker Corporation to Amend  
 Town of Cut and Shoot's CCN by Expedited Release in Montgomery County



**Water CCN**

-  11615 - Town of Cut and Shoot
-  13098 - C & R Water Supply Inc
-  13006 - Highline Oaks Water Utility



# **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. 52148 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 the 6th day of August 2021.