



## **Filing Receipt**

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**DOCKET NO. 52384**

<b>APPLICATION OF SAMUEL SLEDGE</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DBA 1118-1/2 SO MAIN STREET</b>	<b>§</b>	
<b>HIGHLANDS TO CANCEL AN</b>	<b>§</b>	<b>OF TEXAS</b>
<b>EXEMPT UTILITY REGISTRATION</b>	<b>§</b>	

**COMMISSION STAFF'S FINAL RECOMMENDATION**

On August 2, 2021, Sharon Peach (Ms. Peach) and Samuel Sledge dba 1118 ½ So. Main Street Highlands (collectively, Applicants), as Executrix of the Estate of Verna B. Sledge, filed an application to cancel exempt utility registration number N0078 and request a new exempt utility registration for Ms. Peach.

On August 4, 2023, the administrative law judge filed Order No. 17, directing Commission Staff (Staff) to file a final recommendation by September 8, 2023. Therefore, this pleading is timely filed.

**I. FINAL RECOMMENDATION**

Staff has reviewed the application and supplemental information and, as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that the petition be approved. Based on Staff's review, Applicants meet all of the statutory requirements of 16 TAC § 24.229(e), a utility is exempt from the requirement to possess a certificate of convenience and necessity (CCN) in order to provide retail water service if it has less than 15 potential service connections. Based on the information provided, it appears Applicants has less than 15 potential retail water service connections. The requested area includes 0 customer connections and approximately 8 acres to be cancelled for the Exempt utility registration No. N0078. Staff recommends Highlands meets the requirements from the tariff issued by the Commission in order to permanently disconnect service to existing customers. Staff recommends approval of the disconnection of customers and cancellation of exempt utility registration N0078.

**II. CONCLUSION**

For the reasons detailed above, Staff recommends that the application, as supplemented, be approved and that an order be filed consistent with this recommendation.

Dated: September 8, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Marisa Lopez Wagley  
Division Director

/s/ Sneha Patel  
Sneha Patel  
State Bar No. 24035550  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7381  
(512) 936-7268 (facsimile)  
Sneha.Patel@puc.texas.gov

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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 September 8, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Sneha Patel  
Sneha Patel

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Sneha Patel, Attorney  
Legal Division

**FROM:** Patricia Garcia, Infrastructure Analysis Section Director  
Infrastructure Division

**DATE:** September 8, 2023

**RE:** Docket No. 52384 – *Application of Samuel Sledge dba 1118-1/2 So Main Street Highland to Cancel an Exempt Utility Registration*

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### **1. Application**

On August 2, 2021, Sharon Peach (Ms. Peach), Executrix of the Estate of Verna B. Sledge, and Samuel Sledge (Mr. Sledge) filed a letter requesting the cancellation of an exempt utility in Harris County. The application was reviewed under 16 Texas Administrative Code (TAC) § 24.229(e), a utility is exempt from the requirement to possess a certificate of convenience and necessity (CCN) in order to provide retail water service if it has less than 15 potential service connections. The exempt utility, Samuel Sledge dba 1118-1/2 SO Main Street Highlands (Highlands) registration N0078, originally served 14 connections.

On January 19, 2023, an amended application including revised maps was filed by Eric D'Olive on behalf of the Highlands. The revised application indicated that Highlands had ceased charging for water on April 2020 and ceased operations in December 2022 including turning off the water supply main.

Based on the mapping review by Tracy Montes, Infrastructure Division:

The requested area includes 0 customer connections and approximately 8 acres to be cancelled for the Exempt utility registration No. N0078.

### **2. Notice**

The tariff issued to the Highlands by the Commission indicates “The utility may permanently disconnect service to an existing customer only if authorized to in writing by the Commission after notice has been issued.”

On April 3, 2023, Mr. D'Olive submitted a statement including information about the former operators, when the exempt utility stopped charging for water, and when notice was provided to customers. The former operators, Mr. Sledge and Ms. Peach are elderly and unable to

continue operating the exempt utility. The Highlands ceased charging for water in April 2020 and on October 12, 2021 notice was mailed to customers stating that the Highlands would cease providing water by December 31, 2021. Service continued through December 31, 2022 until all customers had secured another water source. Six of the former customers drilled wells. Three of the former customers drilled a new well and share the service from this well between themselves. Notice was deemed sufficient by the Administrative Law Judge on August 4, 2023.

### **3. Recommendation**

The Highlands meets the requirements from the tariff issued to the Highlands by the Commission in order to permanently disconnect service to existing customers.

Therefore, I recommend approval of the disconnection of customers and the cancellation of exempt utility registration N0078. The Highlands' service area will be removed from the online Water and Sewer CCN Viewer during the next quarterly update.