



## Filing Receipt

**Received - 2022-04-01 09:28:24 AM**  
**Control Number - 52453**  
**ItemNumber - 20**

**DOCKET NO. 52453**

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| <b>APPLICATION OF SKYLINE DRIVE</b> | <b>§</b> | <b>PUBLIC UTILITY COMMISSION</b> |
| <b>LANDOWNERS ASSOCIATION TO</b>    | <b>§</b> |                                  |
| <b>DECERTIFY A PORTION OF ITS</b>   | <b>§</b> | <b>OF TEXAS</b>                  |
| <b>WATER CERTIFICATE OF</b>         | <b>§</b> |                                  |
| <b>CONVENIENCE AND NECESSITY IN</b> | <b>§</b> |                                  |
| <b>JOHNSON COUNTY</b>               | <b>§</b> |                                  |

**JOINT STATUS REPORT**

On August 20, 2021, Skyline Drive Landowners Association (SDLA) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12479 by decertifying a portion of the service area in Johnson County. SDLA filed supplemental information on September 15, 2021 and September 21, 2021. In the latter filing, SDLA clarified its intent that it is only requesting to decertify a portion of its water CCN. The requested service area for decertification consists of approximately 22 acres and zero existing customer connections. On January 10, 2022, the Staff (Staff) of the Public Utility Commission of Texas (Commission) was scheduled to provide SDLA with the final documents, including a final certificate for this docket, however identified an issue with the name in which the original certificate was granted and how SDLA is currently legally organized. Specifically, as evidenced by the attached certificate, SDLA was issued CCN No. 12479 in the name of “Ellis Chitwood, John Drake and Kenny Armstrong dba Skyline Drive Landowners Association Water System.” SDLA is an investor owned utility, formed as a partnership,<sup>1</sup> but does not have its partnership registered with the Secretary of State. Further, pursuant to conversations with Randy Chitwood (Mr. Chitwood), the representative for SDLA, Staff understands that Ellis Chitwood, John Drake, and Kenny Armstrong are no longer partners or have ownership in the SDLA water system. Additionally, Staff understands that SDLA had an assumed name certificate on file with Johnson County to do business as “Skyline Drive Landowners Association Water System” that has since lapsed and is no longer effective. As such, “Ellis Chitwood, John Drake and Kenny Armstrong dba Skyline Drive Landowners Association Water System” cannot be used as the certificate name anymore. Therefore, Staff filed a request to abate the proceeding stating that Staff required additional time to confer with SDLA on how to proceed on the name issue for the final certificate in this docket.

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<sup>1</sup> Application at 3 (Aug. 20, 2021); *see also Year-End 2021 Water and Sewer Utility Annual Reports in Accordance With 16 TAC § 24.129*, Docket No. 52954, SDLA Updated Class D Annual Report (Feb. 17, 2022).

On January 13, 2022, the administrative law judge (ALJ) filed Order No. 5, granting Staff's request to abate and directing the parties to file monthly updates beginning on March 1, 2022 and continuing until a decision is made on how to proceed on the name issue. On March 3, 2022, the ALJ filed Order No. 6, establishing a deadline of April 1, 2022 for the parties to file a subsequent status report of request to lift the abatement. Therefore, this pleading is timely filed.

## **I. STATUS REPORT**

Staff previously informed SDLA of several options for moving forward on this issue, while SDLA informed Staff of options that might be available outside of this docket to satisfy its intent for a portion of its CCN to be removed. While SDLA is continuing to weigh those options, Staff is alternatively conferring with SDLA on an option in which SDLA would request a good cause exception to any potential requirement for SDLA to prove ownership of each partner who owns an interest in the SDLA water system. For that purpose, Staff informally requested that Mr. Chitwood provide the full contract document in which he acquired an ownership interest in the SDLA water system to at least prove his ownership. On March 31, 2022, Mr. Chitwood filed the full contract to prove his ownership interest in the water system. To sufficiently address the good cause exception, Staff and SDLA respectfully request additional time until April 18, 2021 to file a request to lift the abatement and for Staff to make a formal recommendation on the good cause exception.

## **II. CONCLUSION**

For the reasons detailed above, Staff respectfully requests the entry of an order setting a deadline of April 18, 2021 for the parties to request to lift the abatement and for Staff to make a formal recommendation on the good cause exception.

Dated: April 1, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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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 1, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles  
Scott Miles