



Control Number: 43074



Item Number: 25

Addendum StartPage: 0

B & D ENVIRONMENTAL, INC.

913 HYDE PARK DR.
ROUND ROCK, TEXAS 78665
PHONE NO: (512) 264-9124
FAX NO: (512) 692-1967

EMAIL: bretfenner@yahoo.com

August 28, 2015

RECEIVED
2015 AUG 28 AM 11:33
PUBLIC UTILITY COMMISSION
FILING CLERK

Public Utility Commission
Central Records
1701 N. Congress P.O. Box 13326
Austin, Texas 78711-3326

Re: Docket No. 43074 - Application of J&S Water Company, LLC and Utilities Investment Company, Inc. for Sale, Transfer or Merger of Facilities and Certificate Rights in Harris County

Dear Administrative Law Judge:

In response to the Staff's First Request for Information, enclosed please find Utilities Investment Company Inc.'s response to the request for information:

Response to Staff RFI No. 1-1

- a. Two water systems being acquire have reached 85% of its capacity based on TCEQ minimum capacity requirements. Azalea Estates and Cottonwood Park.
- b. Azalea Estates has submitted a planning report to the TCEQ regarding the correction of these issues. At the current time, the utility is waiting on the TCEQ for approval of the plan. See attached Acceptance of a Compliance Plan for Azalea Estates.
- c. See attached Acceptance of a Compliance Plan for Azalea Estates.

Response to Staff RFI No. 1-2

See attached TECQ current inspections for each water system being acquired.

Response to Staff RFI No. 1-3

See attached TECQ current inspections for each water system being acquired.

Response to Staff RFI No. 1-4

See attached copies of notice and maps sent out to parties entitled to receive notice.

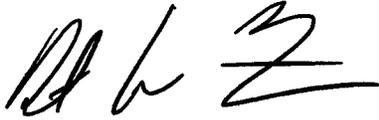
25

Response to Staff RFI No. 1-5

See attached current inspections for Cottonwood Park included in response to staff RFI No. 1-2. Included in this response is a letter addressing the storage tank capacity issue which was submitted to the TCEQ.

Should you have any further questions concerning this application, please do not hesitate to contact me at (512) 264-9124.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bret W. Fenner', written in a cursive style.

Bret W. Fenner, P.E.
B & D Environmental, Inc.

Enclosures

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 7, 2015

Mr. Shannon Marsh, President
J & S Water Company, LLC
PO Box 279
New Waverly, Texas 77358-0279

Re: Acceptance of a Compliance Plan for:
Azalea Estates MH Community, 7902 Alexandria Ct., Spring, Harris Co., Texas
Regulated Entity No.: 101237576; TCEQ ID No.: 1011253; Investigation No.: 1259899

Dear Mr. Marsh:

The Texas Commission on Environmental Quality (TCEQ) Houston Region Office has completed a review of the compliance plan and any additional information that you submitted on June 26, 2015, to resolve the alleged violations #558921 and 558924. These alleged violations were noted during the investigation of the above-referenced facility conducted on December 16, 2014. The compliance plan appears to identify the necessary corrective actions for the alleged violations. We will monitor your progress in implementing the corrective actions. Please submit to this office a written description of corrective actions taken and the required documentation demonstrating that compliance has been achieved for each outstanding violation by October 28, 2015, demonstrating that the alleged violations have been resolved. Please be advised that if we determine, during follow-up monitoring, that you are not working towards compliance or the problem has escalated, further enforcement action will be considered.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and anticipates that you will resolve the alleged violation as required in order to protect the State's environment. If you or members of your staff have any questions, please feel free to contact Ms. Leticia De Leon, in the Houston Region Office at (713) 767-3650.

Sincerely,


Leticia De Leon, Team Leader
Public Water Supply
Houston Region Office

LD/DH/mar

Enclosure: Summary of Investigation Findings

cc: Harris County Public Health and Environmental Services

~~Bryan~~ W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 10, 2015

Mr. Shannon Marsh, President
J & S Water Company LLC
PO BOX 279
New Waverly, Texas 77358

Re: Comprehensive Compliance Investigation at:
Aldine Village Subdivision, 711 Corvette Ct., Houston, Harris County, Texas
Regulated Entity No.: 101282671
TCEQ ID No.: 1010931, Investigation No.: 1223803

Dear Mr. Marsh:

On March 27, 2015, Mr. Huyen D. Luu, P.E., of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced facility to evaluate compliance with the applicable requirements for public water supply systems. No violations are being alleged as a result of the investigation; however, please see the attached Additional Issue. In addition, please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Luu, in the Houston Region Office at (713) 767-3650.

Sincerely,

A handwritten signature in cursive script that reads "Leticia De Leon".

Leticia De Leon, Team Leader
Public Water Supply
Houston Region Office

L.D/HDL/mar

Enclosure: Summary of Investigation Findings
cc: Harris County Public Health and Environmental Services

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 2, 2015

Mr. Shannon Marsh, Owner
J&S Water Company, LLC
P.O. Box 279
New Waverly, Texas 77358

Re: Notice of Compliance with Notice of Violation dated September 3, 2014
Aldine Village Wastewater Treatment Plant
823 Hollyvale Dr., Houston (Harris County), Texas
TPDES Permit No. 0013882-001, EPA ID No.: TX0070769

Dear Mr. Marsh:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Houston Region Office has received adequate compliance documentation on February 11, 13 & 17, 2015, to resolve the alleged violations documented during the investigation of the above-referenced regulated entity conducted on July 16, 2014. Based on the information submitted, no further action is required concerning this investigation.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Bruce Miebs in the Houston Region Office at (713) 767-3569.

Sincerely,

Barbara Sullivan
Team Leader
Water Quality Management
Region 12 Houston

BSS/BPM/ci

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Eaker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 19, 2015

**CERTIFIED MAIL # 7011 3500 0000 0287 6284
RETURN RECEIPT REQUESTED**

Mr. Shannon Marsh, President
J & S Water Company LLC
P.O. Box 279
New Waverly, Texas 77358-0279

Re: Notice of Violation for the Comprehensive Investigation at:
Cottonwood Park Water System, 11202 Cora, Houston, Harris County, Texas
Regulated Entity No.: 101278042
TCEQ ID No.: 1010283 Investigation No.: 1217921

Dear Mr. Marsh:

On January 15, 2015, Ms. Maggie Wright, of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for Public Water Supply. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violation was identified for which compliance documentation is required. In addition, an Additional Issue was noted. Please submit to this office by March 16, 2015, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation. Please be advised that a violation could be issued upon further review of your system's records or self-reported documentation.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled Obtaining TCEQ Rules (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Houston Region Office at Phone (713) 767-3650 or the Central Office Publications Ordering Team at (512) 239-0028.

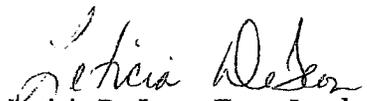
The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the Houston Region

Mr. Shannon Marsh, President
Page 2
February 19, 2015

Office within 10 days from the date of this letter. At that time, PWS Team Leader Ms. Leticia De Leon, will schedule a violation review meeting to be conducted within 21 days from the date of this letter.

If you or members of your staff have any questions, please feel free to contact Ms. Wright, in the Houston Region Office at (713) 767-3650.

Sincerely,



Leticia De Leon, Team Leader
Public Water Supply
Houston Region Office

LD/MW/mar

Enclosure: Summary of Investigation Findings

cc: Harris County Public Health and Environmental Services

Summary of Investigation Findings

COTTONWOOD PARK WATER SYSTEM	Investigation # 1217921
, HARRIS COUNTY,	Investigation Date: 01/15/2015
Additional ID(s): 1010283	

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 558875 Compliance Due Date: 03/16/2015
30 TAC Chapter 290.46(m)

Alleged Violation:

Investigation: 1217921

Comment Date: 01/20/2015

Operating Practices for Public Water Systems

Failure to properly maintain the regulated entity by not cutting the weeds off the fence line at the water plant site.

At the time of the investigation the weeds needed cutting off the fence line (barbed wire) at water plant site.

Recommended Corrective Action: Submit a photo, receipt, invoice or work order to demonstrate the weeds has been removed from the fence line at the water plant to verify compliance.

ADDITIONAL ISSUES

Description

Item 1

Additional Comments

30 TAC, §291.93(3)

Adequacy of Water Utility Service

Failure, by a retail public utility that possesses a certificate of public convenience and necessity that has reached 85% of its capacity as compared to the most restrictive criteria of the commission's minimum capacity requirements in Chapter 290 T.A.C., to submit to the executive director a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area. A report is not required if the source of supply available to the utility service provider is reduced to below the 85% level due to a court or agency conservation order unless that order is expected to extend for more than 18 months from the date it is entered in which case a report shall be required.

Specifically, it is noted on this investigation that your ground storage has reached 91% of their capacities. This was based on 57 connections.

J&S Water Company

August 24, 2015

Ms. Leticia De Leon
TCEQ
5425 Polk Ave., Ste H
Houston, Tx 77023

RE: Cottonwood Park
PWS No. 1010283

Ms. De Leon,

During our annual compliance inspection it was noted as an additional issue that our water system had reached 91% of its potential connection capacity. Our response to that issue is that the system has no area for expansion and we do not anticipate request for additional taps.

However, in the event that we do receive request for taps in the future we will hire an engineer and expand the facilities as necessary to meet the demand.

If you have any questions or need additional information, please don't hesitate to call.

Sincerely,



Shannon Marsh

Aqua Pure Repair Order

August 21, 2015

Cottonwood Park

1) Clean vegetation from fence.

Complete

Signed

A handwritten signature in black ink, appearing to be the letter 'S' with a stylized flourish.

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 19, 2015

Mr. Shannon Marsh, President
J & S Water Company LLC
P. O. Box 279
New Waverly, Texas 7738-02797

Re: Comprehensive Compliance Investigation at:
Cypress Hill Subdivision, 18208 E. Cypress Hill, Houston, Harris County, Texas
Regulated Entity No.: 101221125
TCEQ ID No. 1011792, Investigation No. 1223458

Dear Mr. Marsh:

On January 29, 2015, Mr. Huyen D. Luu, P.E., of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced facility to evaluate compliance with the applicable requirements for public water supply systems. No violations are being alleged as a result of the investigation; In addition, the investigator resolved an apparent instance of noncompliance noted during the previous investigation dated July 28, 2011. Please be advised that a violation could be issued upon further review of your system's records or self-reported documentation. No further response is required concerning this investigation.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Luu, in the Houston Region Office at (713) 767-3650.

Sincerely,

A handwritten signature in cursive script that reads "Leticia De Leon".

Leticia De Leon, Team Leader
Public Water Supply
Houston Region Office

LD/HDL/mar

Enclosure: Summary of Findings

cc: Harris County Public Health and Environmental Services

Docket No. 43074

Notice to Current Customers, Neighboring Systems, and Cities

J&S WATER COMPANY, L.L.C.'S NOTICE OF INTENT TO SELL FACILITIES AND TO TRANSFER A PORTION OF THEIR WATER CCN No. 12085 AND A PORTION OF THEIR SEWER CCN No. 20658 TO UTILITIES INVESTMENT COMPANY, INC., IN HARRIS COUNTY, TEXAS

To: _____ Date Notice Mailed: July 10, 2015
(Name of Customer, Neighboring System, or City)

(Address)

(City State Zip)

J & S Water Company, LLC. 8010 Thompson Road Highland TX 77562-
3122
(Seller's or Transferor's Name) (Address) (City) (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to sell water and sewer facilities and to transfer water and sewer CCN Nos. 12085 and 20658 in Harris County, Texas to:

UTILITIES INVESTMENT COMPANY, INC. PO Box 279 New Waverly,
Texas 77358-0279
(Purchaser's or Transferee's Name) (Address) (City) (State) (Zip Code)

The sale is scheduled to take place as approved by the Commission. The transaction and the transfer, include the following subdivision: Aldine Village Subdivision.

The area subject to this transaction is located approximately 10.5 miles northwest of downtown Houston, Texas and is **generally** bounded on the north by Branding Iron Street; on the east by Henry Street; on the south by Charriton Street ; and on the west by Lillja Street.

See attached map.

The total area being requested includes approximately 43 acres for water and sewer and serves 328 current customers. This transaction will have the following effect on the current customers' rates and services: All customers will be charged the same rate as they were charged before the transaction.

The sale is scheduled to take place as approved by the Commission. The transaction and the transfer, of the CCNs include the following subdivision: Azalea Estates Mobile Home Community.

The area subject to this transaction is located approximately 7 miles southeast of downtown Tomball, Texas and is **generally** bounded on the north by Hooks Memorial Airport; on the east by Valka Road; on the south by the intersection of Valka Road and Shimmering Pines Road ; and on the west by Woolf Road.

See attached map.

The total area being requested includes approximately 19 acres for water and serves 23 current customers. This transaction will have the following effect on the current customers' rates and services: All customers will be charged the same rate as they were charged before the transaction.

The sale is scheduled to take place as approved by the Commission. The transaction and the transfer, of the CCNs include the following subdivision: Cottonwood Park Water System.

The area subject to this transaction is **generally** bounded on the north by State Highway 249; on the east by Braunston Lane; on the south by Lockland Lane ;and on the west by Cordoba Drive.

See attached map.

The total area being requested includes approximately 34 acres for water and serves 56 current customers. This transaction will have the following effect on the current customers' rates and services: All customers will be charged the same rate as they were charged before the transaction.

The sale is scheduled to take place as approved by the Commission. The transaction and the transfer, of the CCNs include the following subdivision: Cypress Hill Subdivision.

The area subject to this transaction is located approximately 7 miles southwest of downtown Tomball, Texas and is **generally** bounded on the north by Juergen Street ; on the east by W. Cypress Hill Circle; on the south by KZ Road ; and on the west by Hanberry Road.

See attached map.

The total area being requested includes approximately 85 acres for water and serves 37 current customers. This transaction will have the following effect on the current customers' rates and services: All customers will be charged the same rate as they were charged before the transaction.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a STM; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should file a request in writing with the:

Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

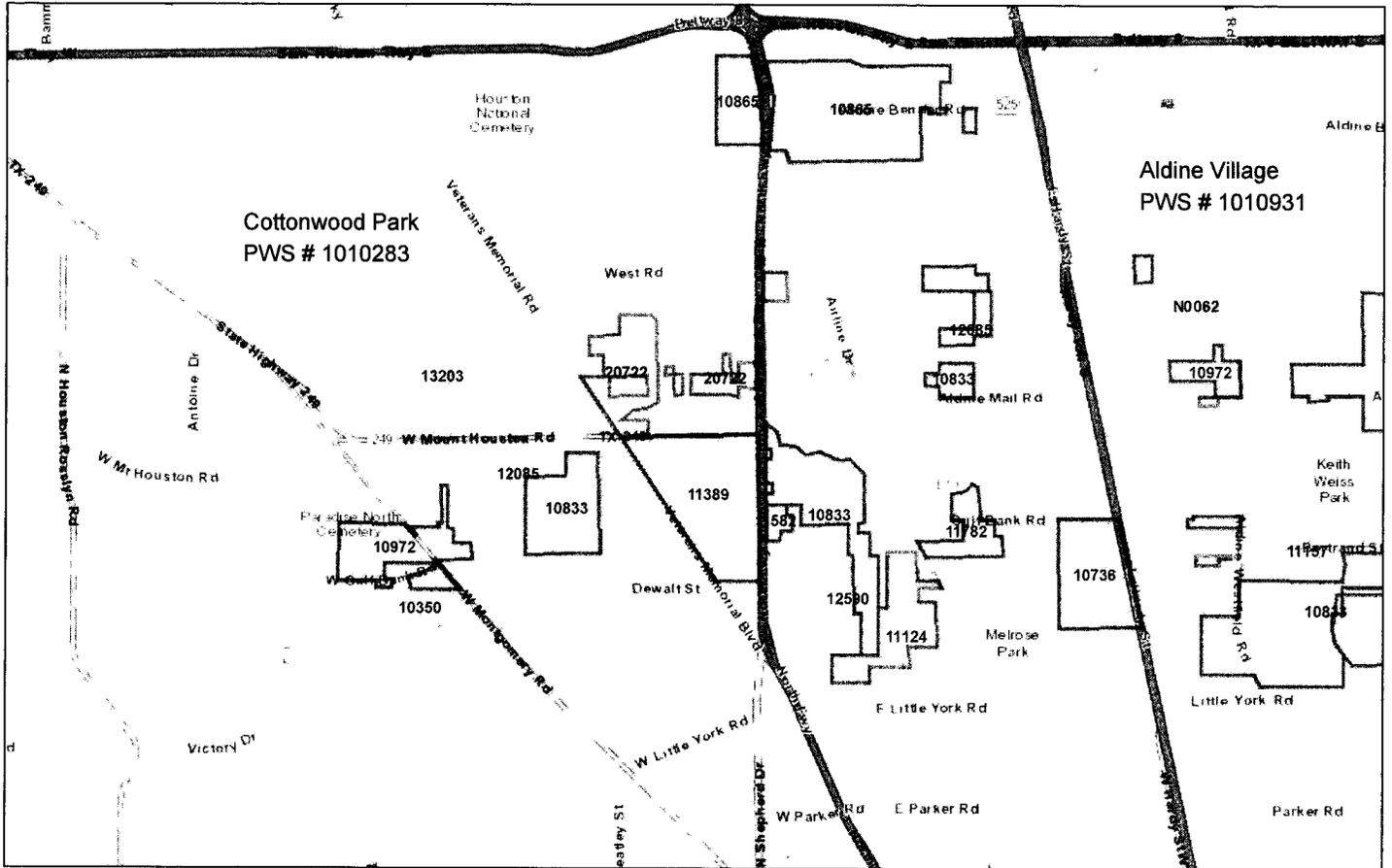
If a public hearing is requested, Commission will not transfer the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

Si desea informacion en Espanol, puede llamar al 1-888-782-8477

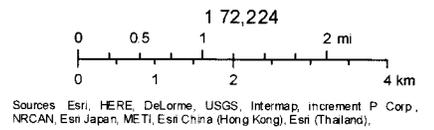
Shannon Marsh
Utility Representative

Utilities Investment Company, Inc.
Utility Name

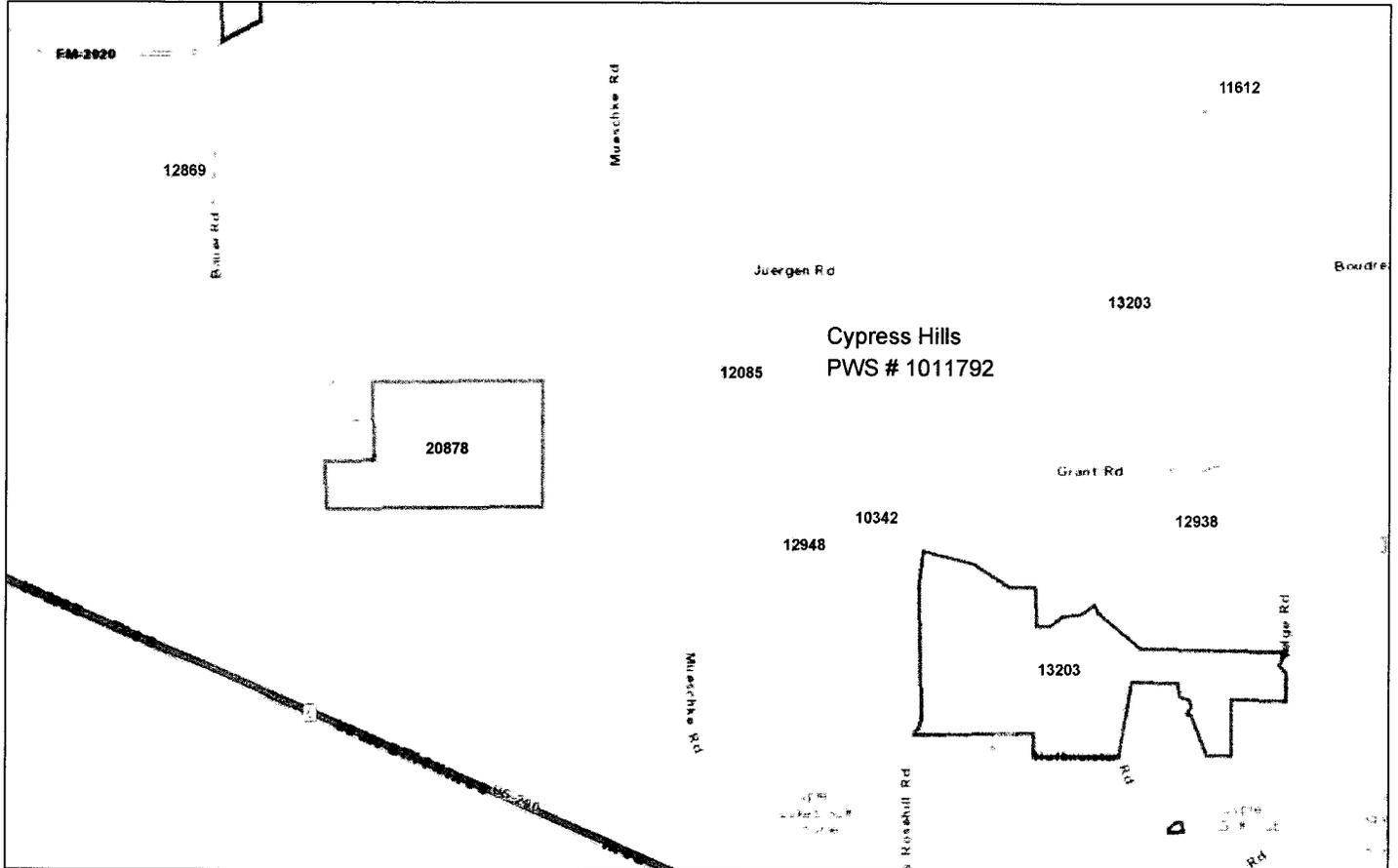
UIC13, LLC. - Docket No. 43074
Section 24. a. Small Scale Map 1 Water and Sewer CCN Viewer



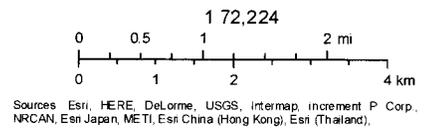
February 12, 2015



UIC13, LLC. - Docket No. 43074
Section 24. a. Small Scale Map 2 Water and Sewer CCN Viewer

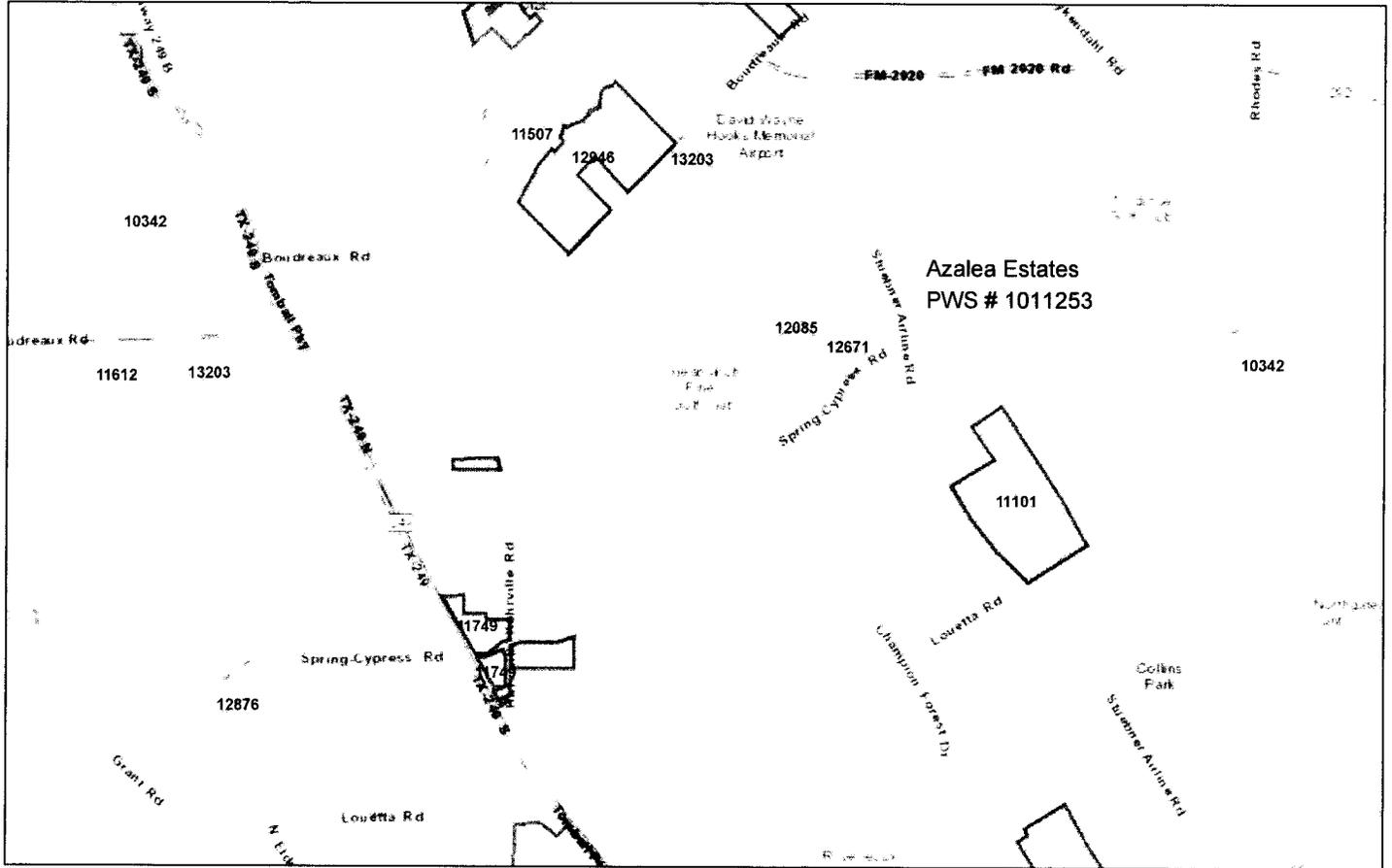


February 12, 2015

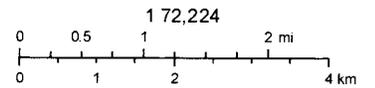


UIC, LLC. - Docket No. 43074

Section 24. a. Small Scale Map 3 Water and Sewer CCN Viewer

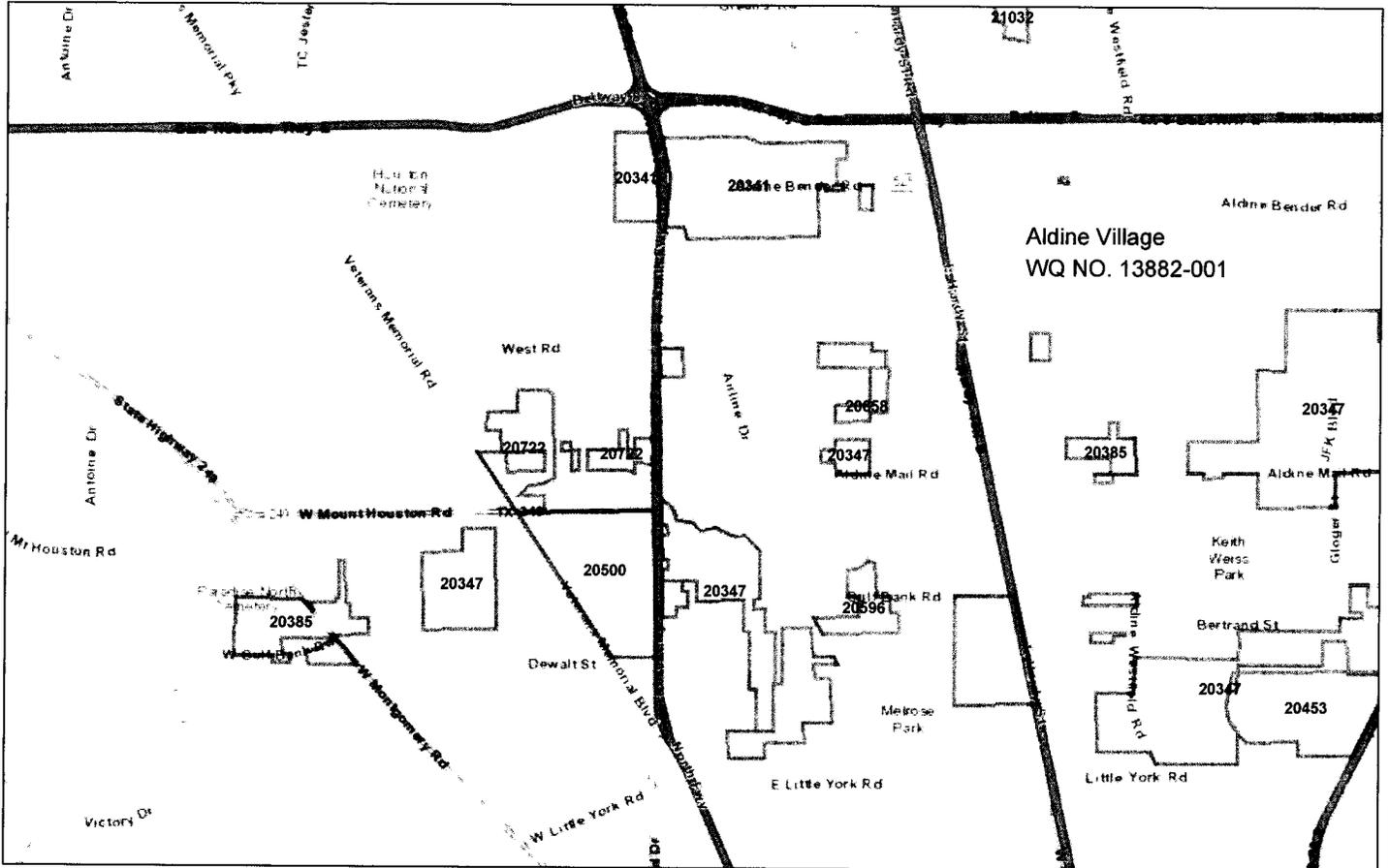


February 12, 2015



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand).

UIC13, LLC. - Docket No. 43074
Section 24. a. Small Scale Map 4 Water and Sewer CCN Viewer



February 12, 2015

