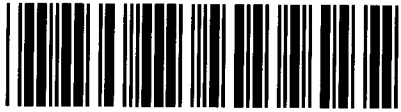


Control Number: 43403



Item Number: 14

Addendum StartPage: 0

RECEIVED

APPLICATION OF AUGUST LAKES WATER SUPPLY CORPORATION (WSC) TO OBTAIN A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) IN WALLER COUNTY (APPLICATION NO. 38021- C)	§ § § § § § § §	2015 APR -7 PM 2:36 PUBLIC UTILITY COMMISSION OF TEXAS
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COMMISSION STAFF'S RESPONSE TO ORDER NO. 4 STATUS REPORT & PROCEDURAL SCHEDULE

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Response to Order No. 4 and would show the following:

I. BACKGROUND

On August 18, 2014, August Lakes Water Supply Corporation (Applicant) filed an application to obtain a certificate of convenience and necessity in Waller County with the Texas Commission on Environmental Quality. On October 10, 2014, the application was transferred to the Commission. On December 12, 2014, Staff recommended that the application be found deficient. On December 15, 2014, the presiding officer accepted Staff's recommendation and ordered the Applicant to supplement its application to cure the deficiencies in Order No. 3. Applicant provided supplemental information on January 8, 2015 and January 22, 2015. Order No. 3 also required Staff to file a status update and procedural schedule by April 7, 2015; therefore, this filing is timely.

II. STATUS UPDATE & RECOMMENDATION

Staff has reviewed the Applicant's supplemental filings and has found some immaterial errors in its notice and its list of entities to receive notice, but has included in this recommendation proposed corrections to those errors. Based upon the attached memorandum of Elisabeth English and Tracy Harbour in the Commission's Water Utilities Division, Staff recommends that the application be sufficient for further processing. Staff recommends that the Applicant be given an additional 30 days to provide the updated notice to all entities listed on Staff's memorandum and then to provide proof of that notice.

III. PROPOSED PROCEDURAL SCHEUDLE

Staff proposes the following procedural schedule:

<u>EVENT</u>	<u>DATE</u>
Deadline for Applicant to file affidavits of proof of notice.	May 7, 2015. ¹
Deadline for intervention; deadline for intervenors to request a hearing.	30 days after mailing or publication of notice, whichever occurs later. ²
Deadline for Staff to request a hearing or to file a recommendation on final disposition.	June 30, 2015.
Deadline for Applicant to request a hearing or respond to Staff's recommendation on final disposition; or if no disputed issues exist, deadline for parties to file a proposed notice of approval.	July 15, 2015.

IV. CONCLUSION & PRAYER

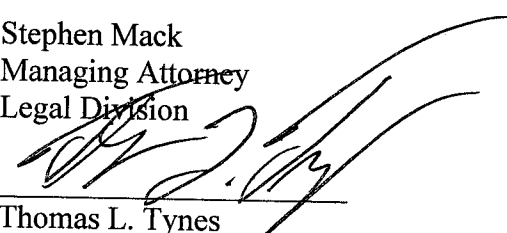
Staff requests that the presiding officer issue an order consistent with the recommendation above.

DATE: April 7, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division



Thomas L. Tynes
Attorney-Legal Division
State Bar No. 24085629
(512) 936-7297
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

¹ P.U.C. SUBST. R. 24.106(b)(6) and (c).

² P.U.C. SUBST. R. 24.106(a)(3).

PUC DOCKET NO. 43403

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 7th day of April, 2015, in accordance with P.U.C. Procedural Rule 22.74.


Thomas L. Tynes

PUC Interoffice Memorandum

To: Thomas Tynes, Attorney
Legal Division

Through: Tammy Benter, Director
Water Utilities Division

From: Elisabeth English, Engineering Specialist
Tracy Harbour, GIS Specialist
Water Utilities Division

Subject: Docket No. 43403, Application of August Lakes Water Supply Corporation (WSC) to Obtain a Water Certificate of Convenience and Necessity (CCN) in Waller County (Application No. 38021-C)

Date: April 7, 2015

On August 18, 2014, August Lakes WSC (Applicant) filed an application to obtain a new water CCN in Waller and Harris County. The application was reviewed under the Texas Water Code (TWC) §§13.24213.250 and P.U.C. SUBST. R 24.101-24.107.

Based on Staff's review of the information in the application and the amended mapping data, Staff recommends that the application be deemed sufficient for filing. Staff further recommends the following:

- 1) The Applicant be ordered to provide correct notice of the application to the following:
 - a) any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of the proposed service area;
 - b) any city with an extraterritorial jurisdiction which overlaps the proposed service area;
 - c) landowners with more than 25 acres and any affected parties in the proposed CCN area. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies; and
 - d) notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Harris and Waller County.
- 2) The Applicant be ordered to include a copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties, and each landowner. It is the Applicant's burden to provide an accurate map delineating the proposed area with each individual notice.
- 3) The Applicant be ordered to return within 30 days of the Commission order, a copy of the actual notice sent, the map that was sent with the individual notice, and the attached signed affidavit that the notice was given.

The Applicant shall provide correct notice of the application to the attached list of entities. The list provided by the Applicant was incomplete; the complete list is provided below. The attached notice

and affidavits shall be used by the Applicant to meet these requirements.

Neighboring entities not included in application to be noticed:

Harris County
City of Houston
Bluebonnet Groundwater Conservation District (1546700)
Brookshire Katy Drainage District (1705000)
CY Fair Community Improvement District (2412350)
Fort Bend Subsidence District (3093500)
Fort Bend Drainage District (3060000)
Fort Bend County MUD 130 (3084897)
Fort Bend County MUD 163 (3079338)
Fort Bend County MUD 53 (3079996)
Harris County FCD (3630000; (PWS IDs: 6001051/ 1012572)
Harris County MUD 61 (3737170)
Harris County MUD 306 (3737806)
Harris-Galveston Coastal Subsidence District (4419000)
San Jacinto River Authority (7490000) (PWS ID 1700197)
Village at Katy Development District (5155000)
Waller County Road Improvement District 1 (8345000)

Neighboring entities included in application to be noticed:

Cimarron MUD
Coastal Water Authority
Fort Bend-Waller Counties MUD 2
Fort Bend County MUD 151
Fort Bend County MUD 161
Fort Bend County MUD 199
Fort Bend County MUD 37
Gulf Coast Waste Disposal Authority
Harris-Waller Counties MUD 2
Harris County MUD 287
Harris County MUD 432
Harris County MUD 449
Harris County MUD 457
Harris County MUD 458
Harris County MUD 465
Harris County MUD 495
Harris County MUD 519
Harris County MUD 520
Harris County MUD 62
Harris County MUD 63
Harris County MUD 64
Harris County MUD 64
Harris County MUD 65
Harris County MUD 71
North Fort Bend Water Authority
Port of Houston Authority
West Harris County RWA
Harris Fort Bend Counties MUD 1
Harris Fort Bend Counties MUD 3
Harris Fort Bend Counties MUD 4
Waller County MUD 9
West Harris County MUD 2
West Harris County MUD 5
Willow Creek Farms MUD
Willow Point MUD
Woodcreek Reserve MUD

Notice for Publication

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO
PROVIDE WATER/SEWER UTILITY SERVICE IN

Harris and Waller

COUNTY(IES), TEXAS

August Lakes WSC has filed an application
with the Public Utility Commission of Texas to obtain a NEW CCN to provide Water Utility Service in Harris
and Waller Counties.

The proposed utility service area is located approximately 3 miles northwest of downtown Katy, Texas, and is
generally bounded on the north by **Clay Road**; on the east by
Pitts Road; on the south by a line approximately **2,650 feet south of and parallel to**
Clay Road; and on the west by a line **one mile west of and parallel to Pitts Road**.

See enclosed map of the proposed service area.

The total area being requested includes approximately
current customers.

146 acres and

0

A copy of the proposed service area map is available at (Utility Address and Phone
Number): WaterEngineers, Inc., 17230 Huffmeister Road, Suite A, Cypress, Texas 77429; telephone number
281-373-0500

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 CCN; 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 with the PUC at the following address:

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, the commission will not issue 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.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

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

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

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

Notice to Neighboring Systems, Landowners and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO
PROVIDE WATER/SEWER UTILITY SERVICE IN

Harris and Waller

COUNTY(IES), TEXAS

To: _____ Date Notice Mailed _____ 20 _____
(Neighboring System, Landowner or City)

(Address)

City State Zip

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

The seal of the Public Utility Commission of Texas is a circular emblem. It features a five-pointed star in the center, surrounded by a wreath. The words "PUBLIC UTILITY COMMISSION" are inscribed along the top inner border, and "OF TEXAS" is at the bottom. A small figure, possibly a person or a symbol, is positioned below the star.

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The seal of the Public Utility Commission of Texas is a circular emblem. It features a five-pointed star in the center, surrounded by a wreath. The words "PUBLIC UTILITY COMMISSION" are inscribed along the top inner border, and "OF TEXAS" is at the bottom. Two small stars separate the top and bottom text on the left and right sides.

COUNTY OF Harris and Waller

DATE _____

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PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO LANDOWNERS

DOCKET NO. 43403

STATE OF TEXAS

COUNTY OF Harris and Waller

August Lakes WSC

(NAME OF UTILITY)

has provided individual notice to the following landowners:

DATE

OATH

I, [redacted], being duly sworn, file this form as

[redacted] (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 forth therein are true and correct.

[redacted]
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 [redacted] day of [redacted], 20[redacted], to
certify which witness my hand and seal of office.

[redacted]
Notary Public in and for the State of Texas

[redacted]
Print or Type Name of Notary Public

Commission Expires [redacted]

The seal of the Public Utility Commission of Texas is a circular emblem. It features a five-pointed star in the center, surrounded by a wreath. The words "PUBLIC UTILITY COMMISSION" are inscribed along the top inner border, and "OF TEXAS" is at the bottom. Two small stars separate the top and bottom text on the left and right sides.

COUNTY OF Harris and Waller

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