



Control Number: 43403



Item Number: 33

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**DOCKET NO. 43403**

**APPLICATION OF AUGUST LAKES  
WATER SUPPLY CORPORATION  
FOR A CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
WALLER COUNTY (38021-C)**

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**PUBLIC UTILITY COMMISSION**

**OF TEXAS**

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**PUBLIC UTILITY COMMISSION**  
**FILING CLERK**

**NOTICE OF APPROVAL**

This Notice addresses the application of August Lakes Water Supply Corporation (August Lakes WSC) to obtain a water certificate of convenience and necessity (CCN) in Harris and Waller Counties. Public Utility Commission of Texas (Commission) Staff recommended approval of the application, as amended. The application, as amended, is approved.

The Commission adopts the following findings of fact and conclusions of law:

**I. Findings of Fact**

1. On August 18, 2014, August Lakes WSC filed an application for a water CCN in Harris and Waller Counties with the Texas Commission on Environmental Quality (TCEQ) pursuant to Texas Water Code §§ 13.241-.250 (TWC) and 16 Tex. Admin. Code §§ 24.101-.107 (TAC).
2. Effective September 1, 2014, the Commission began the economic regulation of water and sewer utilities.
3. On October 1, 2014, the application was transferred to the Commission for processing.
4. On November 4, 2014, Order No. 1 was issued, addressing the water program transfer to the Commission and other procedural matters.
5. On November 4, 2014, Order No. 2 was issued, requiring comments from Commission Staff on the status of the proceeding and to propose a procedural schedule for processing.
6. On December 12, 2014, Commission Staff responded to Order No. 2, recommending that the application be found deficient and allowing August Lakes WSC additional time to cure the deficiencies.

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7. On December 15, 2014, Order No. 3 was issued, finding the application deficient and requiring August Lakes WSC to cure the deficiencies.
8. On January 8, 2015, August Lakes WSC supplemented its application to cure the deficiencies identified by Commission Staff.
9. On January 22, 2015, August Lakes WSC supplemented its application with mapping information.
10. On March 27, 2015, Order No. 4 was issued, requiring a status report from Commission Staff.
11. On April 7, 2015, Commission Staff recommended that the application be found sufficient for further processing and proposed a procedural schedule for continued processing.
12. On April 8, 2015, Order No. 5 was issued, finding the application sufficient for further processing and establishing a procedural schedule.
13. On April 30, 2015, August Lakes WSC filed proof of notice affidavits for neighboring utilities, landowners, and affected parties.
14. On May, 1, 2015, August Lakes WSC filed a publisher's affidavit.
15. On June 30, 2015, Commission Staff proposed an updated procedural schedule allowing additional time for August Lakes WSC to propose a new procedural schedule to incorporate necessary TCEQ confirmation of compliance or to request a hearing.
16. On July, 6, 2015, Order No. 6 was issued, establishing an updated procedural schedule and requiring August Lakes WSC to propose a new procedural schedule to incorporate the necessary TCEQ confirmation of compliance or to request a hearing.
17. On July 23, 2015, August Lakes WSC requested an extension of time to file a new procedural schedule.
18. On July 24, 2015, August Lakes WSC requested abatement of the procedural schedule.
19. On July 24, 2015, Order No. 7 was issued, granting August Lakes WSC's request to extend the deadline to propose a new procedural schedule.
20. On July 27, 2015, Order No. 8 was issued, abating the procedural schedule.

21. On November 23, 2015, Order No. 9 was issued, unabating the deadline for further processing of the docket and requiring Commission Staff to file a final recommendation.
22. On December 17, 2015, August Lakes WSC filed its consent to the proposed map and proposed amended water certificate provided by Commission Staff. The certificate and map are provided with this Notice.
23. On December 18, 2015, Commission Staff recommended approval of August Lakes WSC's application, as amended.
24. On December 21, 2015, Order No. 10 was issued, establishing a deadline for the parties to file a joint proposed notice of approval and a request to admit evidence.
25. On January 19, 2016, a joint proposed notice of approval and a request to admit evidence was filed.
26. On January 21, 2016, Order No. 11 was issued, admitting evidence into the record of this proceeding.

**Description of the Application**

27. August Lakes WSC seeks to obtain a water CCN for approximately 146 acres for the purpose of providing water service to 58 potential connections in Harris and Waller Counties.
28. As a result of this application, August Lakes WSC will be able to provide water service to an area that is being developed into the August Lakes Estates subdivision.
29. The proposed utility service area is located approximately three 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.

**Notice**

30. More than 15 days have passed since completion of the notice provided in this docket.
31. August Lakes WSC and Commission Staff are the only parties to this proceeding.
32. The parties have resolved all issues regarding this application. No protests and requests for hearing were filed.

## **II. Conclusions of Law**

1. The Commission has jurisdiction over this application pursuant to TWC §§ 13.241-.250 and 16 TAC §§ 24.104 and 24.107.
2. August Lakes WSC is a retail public utility as defined in TWC § 13.002 and 16 TAC § 24.3(58).
3. August Lakes WSC provided notice in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The application was processed in accordance with the requirements of TWC §§ 13.241 and 13.246 and 16 TAC §§ 24.102 and 24.107.
5. After considering the factors in TWC § 13.246 and 16 TAC § 24.102, August Lakes WSC has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area.
6. The application meets the requirements set forth in TWC §§ 13.241, 13.244, and 13.246 and 16 TAC §§ 24.102-.107.
7. Approval of the certificate is necessary for the service, accommodation, convenience, and safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.102(c).
8. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

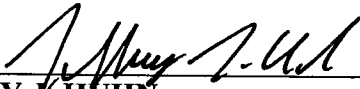
## **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following Order:

1. August Lakes WSC's application, as amended, is approved.
2. August Lakes WSC shall serve every customer and applicant for service within the areas shown on the map attached to this Notice and certified under CCN No. 13236 attached to this Notice and such service shall be continuous and adequate.
3. All other motions, requests for entry of specific findings of fact or conclusions of law, and any other requests for general or specific relief, if not expressly granted herein are denied.

SIGNED AT AUSTIN, TEXAS the 25<sup>th</sup> day of January 2016.

PUBLIC UTILITY COMMISSION OF TEXAS

  
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JEFFREY J. HUHN  
ADMINISTRATIVE LAW JUDGE



# **Public Utility Commission Of Texas**

**By These Presents Be It Known To All That**

## **August Lakes Water Supply Corporation**

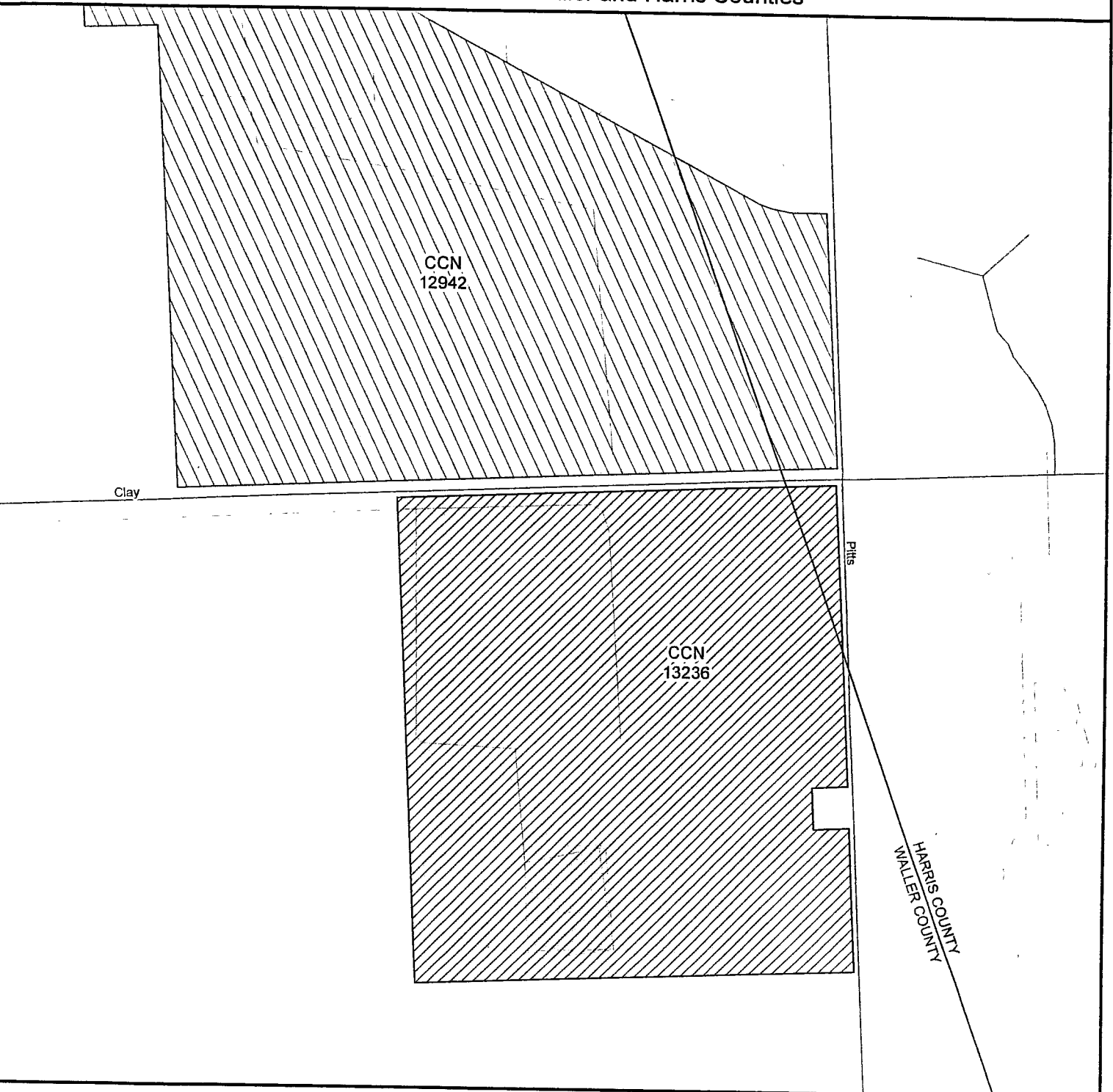
having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

### **Certificate of Convenience and Necessity No. 13236**



to provide continuous and adequate water utility service to that service area or those service areas in Harris and Waller Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 43403 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 August Lakes Water Supply Corporation 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, this 25<sup>th</sup> day of JANUARY 2016.

August Lakes Water Supply Corporation  
Water Service Area  
CCN No. 13236  
PUC Docket No. 43403  
Obtained New CCN in Waller and Harris Counties



**Water CCN Service Area**

-  13236 - August Lakes WSC
-  12942 - Westside Water LLC

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