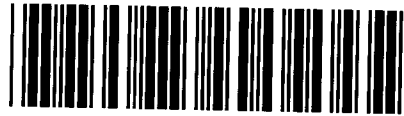


Control Number: 43587



Item Number: 22

Addendum StartPage: 0

DOCKET NO. 43587

RECEIVED

APPLICATION OF TRINITY RTC
GP, LLC TO OBTAIN WATER AND
SEWER CERTIFICATES OF
CONVENIENCE AND NECESSITY
IN HARRIS COUNTY, TEXAS

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PUBLIC UTILITY COMMISSION

2015 AUG 28 PM 2: 23
PUBLIC UTILITY COMMISSION
OF FILING CLERK

TEXAS

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 9, SUPPLEMENTAL
RECOMMENDATION ON SUFFICIENCY OF THE APPLICATION, AND
PROPOSED 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. 9, Supplemental Recommendation on Sufficiency of the Application, and Proposed Procedural Schedule and would show the following:

I. BACKGROUND

On October 17, 2014, Trinity RTC GP, LLC (Applicant) filed an application to obtain new water and sewer certificates of convenience and necessity (CCN) in Harris County, Texas pursuant to Tex. Water Code Ann. Subchapter G and Title 16, Tex. Admin. Code (16 TAC) Subchapter G.

On October 21, 2014, the Commission Administrative Law Judge (ALJ) issued Order No. 1, requiring Commission Staff to file comments on the administrative completeness of the application and proposed notice and to file comments regarding how this petition should be processed and propose a procedural schedule by October 31, 2014. On October 31, 2014, Staff filed its Response to Order No. 1, Status Update, and Request for an Extension of Time. On November 5, 2014, the ALJ issued Order No. 2 extending the deadline for Staff to file comments on the administrative completeness of the application and proposed notice and a proposed procedural schedule until December 1, 2014.

On December 1, 2014, Staff filed its Response to Order No 2 and Request for an Extension of Time. In this Response, Staff requested that the deadline for Staff to file comments on the administrative completeness of the application and proposed notice be extended in order to allow Staff adequate time to complete the overlap mapping review of the application. On December 3, 2014, the ALJ issued Order No. 3 extending the deadline for Staff to file comments on the administrative completeness of the application and proposed notice and a proposed procedural

22

schedule until January 6, 2015. On January 6, 2015, Staff filed its Response to Order No. 3, in which Staff recommended that the application be found materially deficient. On January 8, 2015, the ALJ issued Order No. 4 directing the Applicant to file an amended application by February 9, 2015 and Staff to file a supplemental recommendation on administrative completeness by March 11, 2015.

On March 6, 2015, Staff filed its Response to Order No. 4 and recommended that the supplemental mapping information provided by the Applicant on January 27, 2015 was insufficient to cure the deficiencies. On March 10, 2015, the ALJ issued Order No. 5 finding the application incomplete, directing the Applicant to amend its application to cure the deficiencies by April 10, 2015, and directing Staff to file a supplemental recommendation regarding administrative completeness of the amended application and notice along with a proposed procedural schedule by May 15, 2015. On May 13, 2015, Staff filed its Response to Order No. 5 in which Staff requested an extension of the deadline to make a recommendation on the sufficiency of the application. On May 15, 2015, the ALJ issued Order No. 6 Extending the Deadline for Review and directing Staff to file comments on the administrative completeness of the amended application and proposed notice and a proposed procedural schedule until June 5, 2015. On June 5, Staff filed its Response to Order No. 6 recommending that the Applicant had not cured the identified deficiencies. On June 9, 2015, the ALJ issued Order No. 7 finding that the application remained deficient. In Order No. 7, the ALJ directed the Applicant to amend the application to cure the deficiencies by July 6 and Staff to file a supplemental recommendation on the application by August 6, 2015.

On June 29, 2015, the Applicant filed a request to extend its deadline to amend its application to allow the Applicant time to meet with Staff regarding the application. On June 30, 2015, the ALJ issued Order No. 8 granting the extension for the Applicant to cure the deficiencies until July 24, 2015 and directed Staff to file a supplemental recommendation on the application by August 24, 2015. On August 24, 2015, Staff filed its Response to Order No. 8 and Request for Extension to provide a supplemental recommendation. On August 25, 2015, the ALJ issued Order

No. 9 extending the deadline for Staff to file a supplemental recommendation on the application to August 28, 2015. This Response is timely filed.

II. STAFF'S SUPPLEMENTAL RECOMMENDATION ON THE APPLICATION

On July 24, 2015, the Applicant provided revised maps and digital data along with supplemental application information to cure its application and mapping deficiencies. As stated in the memo of Debbie Reyes-Tamayo and Tracy Harbour of the Commission's Water Utilities Division, Staff has reviewed the supplemental information and revised maps and recommends that they are sufficient to cure the deficiencies identified by Staff.

Staff has reviewed the notices filed with the application by the Applicant and recommends that the Applicant be ordered to provide mailed notice of the application to the following entities: any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two miles of the proposed service area; any city with an extraterritorial jurisdiction which overlaps the proposed service area; landowners with more than 25 acres;¹ and any affected parties in the proposed CCN area. *In addition* to the entities listed by the Applicant in its proposed notices, Staff recommends that the Applicant be directed to provide notice to: BC Humble Enterprises; Galco Utilities; Imperial Valley MUD; Orange Grove Water Supply; Hooks Mobile Home Park LTD; Roving Meadows Utilities; Yes Prep Public Schools; Aldine Improvement District; Central Harris County Regional Water Authority; Coastal Water Authority; Harris County FCD; Near Northwest Management District; Port of Houston Authority; and Sunbelt FWSC. Staff further recommends that the Applicant include copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties, and each landowner.

Additionally, Staff recommends that the Applicant provide notice to the public which must be published once each week for two consecutive weeks in a newspaper of general circulation in Harris County.

Staff has attached the approved forms of notice (Attachment B). Staff recommends that the Applicant must include with its mailed notices a copy of a map showing the proposed service area.

¹ The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies.

Staff recommends that the Applicant be directed to file a copy of the actual notices issued, the map issued with the individual mailed notices, tear sheets of the newspaper notice published, and signed affidavits (Attachment C) indicating that notice was provided in accordance with Tex. Water Code Ann. § 13.246 and 16 TAC § 24.106 by **October 5, 2015**. Upon receipt of signed affidavits of notice, Staff proposes to file a supplemental procedural schedule to address the remaining deadlines incident to this proceeding by **October 16, 2015**.

In addition to providing notice as recommended herein, Staff recommends that the Applicant resolve violations outstanding with the Texas Commission on Environmental Quality (TCEQ) associated with the Applicant's waste water permit TPDES No. WQ0012450001 prior to the final determination of this application. During the review of the application there were nine active violations, which were noted in the previous Staff memo. The Applicant submitted letters of compliance from the TCEQ; however the violations remain active on the TCEQ Central Registry Database (CRD).²

III. PROPOSED PROCEDURAL SCHEDULE

In support of the recommendation stated above, Staff proposes the following procedural schedule:

EVENT	DATE
Deadline for the Applicant to file a copy of the actual notices issued, the map issued with the individual mailed notices, tear sheets of the newspaper notice published, and signed affidavits of notice.	October 5, 2015
Deadline for Comments, intervention or requests for hearing	30 days after notice provided
Deadline for Staff to file a supplemental procedural schedule. ³	October 16, 2015

² The Applicant may review the TCEQ database on the TCEQ's website at <http://www15.tceq.texas.gov/crpub/index.cfm>

³ Staff notes that it is not able to set additional deadlines, such as deadline for Staff to file a final recommendation or request for hearing, until the Applicant files the affidavits of notice specifying when notice was complete.

IV. CONCLUSION

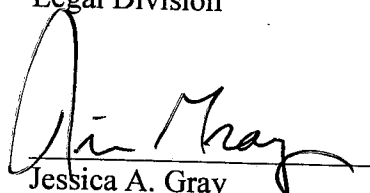
For the reasons stated above, Staff recommends the application be deemed administratively complete and respectfully requests the adoption of Staff's proposed procedural schedule.

Date: August 28, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

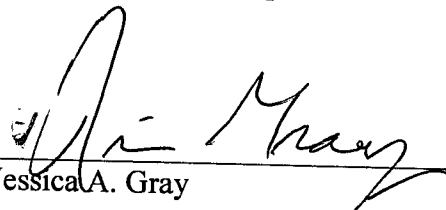
Karen Hubbard
Managing Attorney
Legal Division



Jessica A. Gray
State Bar No. 24079236
Attorney, Legal Division
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7228
(512) 936-7268 (facsimile)

DOCKET NO. 43587
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on August 28, 2015, in accordance with 16 TAC § 22.74.



Jessica A. Gray

ATTACHMENT A

PUC Interoffice Memorandum

To: Jessica Gray, Attorney
Legal Division

Through: Tammy Benter, Director
Water Utilities Division

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

Date: August 26, 2015

Subject: **Docket No. 43587:** *Application of Trinity RTF GP, LLC to obtain water and sewer Certificate of Convenience and Necessity in Harris County.*

On October 17, 2014, Trinity RTF GP, LLC (Applicant), filed an application with the Public Utility Commission of Texas (Commission) to obtain water and sewer Certificates of Convenience and Necessity (CCN) in Harris County pursuant to the criteria in the Texas Water Code §§ 13.242-.250 (TWC) and Title 16 Tex. Admin Code §§24.101-.107(TAC).

The previous Staff memo, in response to Order No. 6, deemed the application administratively incomplete due to mapping deficiencies, and Order No. 7 requested that the Applicant cure the specified deficiencies on or before July 6, 2015. The Applicant requested an extension of time to cure the deficiencies, which was granted via Order No. 8 extending the deadline until July 24, 2015. Supplemental mapping information was submitted by the Applicant on July 24, 2015. Order No. 8 requested that staff provide a recommendation regarding administrative completeness and sufficiency of the application on or before August 24, 2015.

Based upon a review of the supplemental information, Staff recommends that the application be deemed sufficient for filing and administratively incomplete. The Applicant's supplemental information was sufficient to address all of the deficiencies identified, as detailed below:

- a) Mapping requirements have been met after receiving small and large scale maps submitted on July 24, 2015 delineating both the proposed water and sewer service areas

Based upon the above, 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 County;
2. The Applicant should include 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. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>
3. Applicant provided an incomplete list of neighboring entities within the 5-mile buffer of the proposed water and sewer service areas. In addition to the list provided in attachment C with the application, please include the following entities:
 - BC Humble Enterprises (Proposed water and sewer CCNs)
 - Galco Utilities (10736)
 - Imperial Valley MUD (10865)
 - Orange Grove Water Supply (10895)
 - Hooks Mobile Home Park LTD (20932)
 - Roving Meadows Utilities (20851)
 - Yes Prep Public Schools (Proposed CCN for Docket 44621)
 - Aldine Improvement District (District No. 985250)
 - Central Harris County Regional Water Authority (District No. 2260250)
 - Coastal Water Authority (District No. 2309000)
 - Harris County FCD (District No. 3630000)
 - Near Northwest Management District (District No. 5949700)
 - Port of Houston Authority (District No. 7133000)
 - Sunbelt FWSC (District No. 7632500)
4. The Applicant be ordered to return a copy of the actual notice sent with attached signed affidavit that the notice was given.

Staff has prepared an amended notice and affidavit documents, which are attached to this memo.

Additionally, Staff requests that the Applicant resolve violations outstanding with the Texas Commission on Environmental Quality (TCEQ) associated with the Applicants waste water permit (WQ0012450001) prior to the final determination of this application. During the review

of the application there were nine (9) active violations, which were noted in the previous Staff memo. The Applicant submitted letters of compliance from the TCEQ, however the violations remain active on the TCEQ Central Registry Database (CRD). The Applicant may review the TCEQ database on the agency website: <http://www15.tceq.texas.gov/crpub/index.cfm>

ATTACHMENT B

Notice for Publication

NOTICE OF APPLICATION TO OBTAIN CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER AND SEWER SERVICE IN HARRIS COUNTY, TEXAS

Trinity RTC GP, LLC have filed an application with the Public Utility Commission (PUC) of Texas to obtain Certificates of Convenience and Necessity (CCN) in Harris County to provide water and sewer service, pursuant to Title 16 of the Texas Administrative Code in Chapter 24, §§24.109 and 24.112.

The proposed water and sewer area subject to this transaction is located approximately 8.5 miles southwest of downtown Humble, Texas, and is generally bounded on the north by Nystom Road; on the east by West Hardy Road; on the south by Pear Street; and on the west by Henry Road.

The total area being requested includes approximately 16 acres and serves 110 current customers.

The proposed amendment affects customers and /or areas located in the following area:
Royal Coach Trail Mobile Home Park

A copy of the proposed service area map is available at: 4783 CR 302, Navasota, TX 77868
Phone: (713) 446-9886

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 write 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, 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.

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

Notice to Neighboring Systems, Customers and Cities

NOTICE OF APPLICATION TO OBTAIN CERTIFICATES OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER AND SEWER SERVICE IN HARRIS COUNTY,
TEXAS

To: _____ Date Notice Mailed: ____, 2015
(Name of Neighboring systems, Customers, cities)

(Address)

(City State Zip)

Trinity RTC GP, LLC have filed an application with the Public Utility Commission (PUC) of Texas to obtain Certificates of Convenience and Necessity (CCN) in Harris County to provide water and sewer service, pursuant to Title 16 of the Texas Administrative Code in Chapter 24, §§24.109 and 24.112.

The proposed water and sewer area subject to this transaction is located approximately 12 miles north of downtown Houston, Texas, and is generally bounded on the north by Nystom Road; on the east by West Hardy Road; on the south by Pear Street; and on the west by Henry Road.

The total area being requested includes approximately 16 acres and serves 110 current customers.

See enclosed map of the proposed service area.

The proposed amendment affects customers and /or areas located in the following area:
Royal Coach Trail Mobile Home Park

A copy of the proposed service area map is available at: 4783 CR 302, Navasota, TX 77868
Phone: (713) 446-9886

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.

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

Notice to Customers of IOUs in Proposed Area

NOTICE OF APPLICATION TO OBTAIN CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER AND SEWER SERVICE IN HARRIS COUNTY, TEXAS

Dear Customer: _____

Date Notice Mailed: ____, 2015

Trinity RTC GP, LLC have filed an application with the Public Utility Commission (PUC) of Texas to obtain Certificates of Convenience and Necessity (CCN) in Harris County to provide water and sewer service, pursuant to Title 16 of the Texas Administrative Code in Chapter 24, §§24.109 and 24.112.

The proposed water and sewer area subject to this transaction is located approximately 12 miles north of downtown Houston, Texas, and is generally bounded on the north by Nystom Road; on the east by West Hardy Road; on the south by Pear Street; and on the west by Henry Road.

The total area being requested includes approximately 16 acres and serves 110 current customers.

The proposed amendment affects customers and /or areas located in the following area:
Royal Coach Trail Mobile Home Park

A copy of the proposed service area map is available at: 4783 CR 302, Navasota, TX 77868
Phone: (713) 446-9886

The current utility rates which were first effective on January 1, 2013

Monthly Base Rate including per 0 gallons

5/8" meter \$20.00

1" meter \$50.00

1½" meter \$100.00

2" meter \$180.00

3" meter \$300.00

4" meter \$500.00

Gallonge charge of **\$2.00** per 1,000 Gallons
above minimum (same for all meters sizes)

North Harris County Regional Water
Authority Fee: **\$2.06** per 1,000 Gallons

Regulatory Assessment 1%
Tap Fee \$650.00

Reconnecting fee:

Non Payment \$25.00

Transfer \$35.00

Customer's request \$50.00

Late fee \$5 or 10%

Returned check \$30.00

Customer Deposit \$50.00

Meter test fee \$25.00

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 write 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, 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.

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

ATTACHMENT C

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CUSTOMERS DOCKET NO. 43587

STATE OF TEXAS
COUNTY OF

Harris

Before me, the undersigned authority, on this day personally appeared

_____, who being by me

duly sworn, deposes and that (s)he is the

(TITLE)

of the

Trinity RTC GP, LLC
(NAME OF UTILITY)

that the attached notice was provided to customers and other affected parties by

(METHOD USED TO PROVIDE NOTICE)

on or about the following date, to wit:

(DATE)

(SIGNATURE OF UTILITY OFFICIAL)

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES
DOCKET NO. 43587

STATE OF TEXAS
COUNTY OF Harris

Trinity RTC GP, LLC has provided individual notice to the following entities:

DATE

OATH

I, _____, being duly sworn, file this form as _____ (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 for therein are true and correct.

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 _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public
Commission Expires _____

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 edge, and "OF TEXAS" is at the bottom. Two small stars separate the top and bottom text on the left and right sides.

DOCKET NO. 43587

COUNTY OF Harris

(TITLE)

(NAME OF NEWSPAPER)

(COUNTY/COUNTIES)

(COUNTY/COUNTIES)

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Commission Expires