

Control Number: 43587



Item Number: 33

Addendum StartPage: 0

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

PUBLIC UTILITY COMMISSION
OF TEXAS

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**COMMISSION STAFF'S RESPONSE TO ORDER NO. 12 AND PROPOSED
SUPPLEMENTAL PROCEDURAL SCHEDULE**

I. Background

On October 17, 2014, Trinity RTC GP, LLC (Trinity RTC) filed with the Public Utility Commission of Texas (Commission) an application to obtain new water and sewer certificates of convenience and necessity in Harris County, Texas.

On December 18, 2015, Order No. 12 was issued requiring Staff to provide revised maps and certificates to the parties for review and consent, or propose a revised procedural schedule by February 19, 2016. Accordingly, this pleading is timely filed.

II. Proposed Supplemental Procedural Schedule

Staff cannot provide revised maps and certificates to the parties for review and consent because of the remaining outstanding violations associated with Trinity RTC's waste water permit (WQ0012450001) with the Texas Commission on Environmental Quality (TCEQ). During Staff's initial review of the application there were nine (9) active violations, and five (5) active violations remain active on the TCEQ Central Registry Database (CRD).

Based on the attached memorandum from Elisabeth English, Engineering Specialist of the Water Utility Regulation Division, Staff recommends that Trinity RTC provide documentation to the Commission addressing the outstanding violations. In determining whether to grant a CCN, the Commission shall ensure that Trinity RTC possesses the financial, managerial, and technical capability to provide continuous and adequate service. For sewer utility service, the Commission shall ensure that Trinity RTC has a TCEQ approved system that it is capable of meeting TCEQ rules pursuant to 16 Tex. Admin. Code § 24.102(a)(2) (TAC). At

this time, Staff cannot make a final recommendation for this application until Trinity RTC provides documentation that supports the requirements of 16 TAC § 24.102(a)(2).

Staff recommends that Trinity RTC have until March 18, 2016 to provide documentation to the Commission addressing the outstanding violations. Staff proposes that March 25, 2016 be set as the deadline by which time Staff will propose a revised procedural schedule for processing of this application.

III. Conclusion

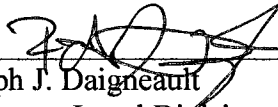
Staff recommends that Staff's proposed supplemental procedural schedule be adopted.

Dated: February 19, 2016

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director-Legal Division

Karen S. Hubbard
Managing Attorney - Legal Division



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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 19, 2015 in accordance with 16 TAC § 22.74.



Ralph J. Daigneault

PUC Interoffice Memorandum

To: Ralph Daigneault, Attorney
Legal Division

Through: Tammy Benter, Director
Lisa Fuentes, Manager
Water Utility Regulation Division

From: Elisabeth English, Engineering Specialist
Water Utility Regulation Division

Date: February 19, 2015

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

On October 17, 2014, Trinity RTC 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).

As stated in the previous Staff memos, the Applicant has outstanding violations with the Texas Commission on Environmental Quality (TCEQ) associated with the Applicants waste water permit (WQ0012450001). During the initial review of the application there were nine (9) active violations, however there are five (5) active violations at this time. 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>

Staff requests that the Applicant provide documentation to the Commission addressing the outstanding violations. In determining whether to grant a CCN, the Commission shall ensure that the Applicant possesses the financial, managerial, and technical capability to provide continuous and adequate service. For sewer utility service, the Commission shall ensure that the Applicant has a TCEQ approved system that it is capable of meeting TCEQ rules pursuant to § 24.102(a)(2). At this time, Staff cannot make a final recommendation for this application until the Applicant provides documentation that supports the requirements of § 24.102(a)(2).