

Control Number: 43817



Item Number: 10

Addendum StartPage: 0

DOCKET NO. 43817

APPLICATION OF CRYSTAL
SPRINGS WATER COMPANY, INC.
FOR AN AMENDMENT TO SEWER
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN MONTGOMERY
COUNTY

§
§
§
§
§
§

PUBLIC UTILITY COMMISSION
OF TEXAS

RECEIVED
2015 MAR 11 PM 2:09
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 3, COMMENTS ON
ADMINISTRATIVE COMPLETENESS AND NOTICE AND PROPOSED
PROCEDURAL SCHEDULE**

Commission Staff (Staff) of the Public Utility Commission of Texas (Commission) files this Response to Order No. 3, Comments of Administrative Completeness and Notice and Proposed Procedural Schedule. In support of its Response, Staff states the following:

I. BACKGROUND

On November 19, 2014 Crystal Springs Water Company, Inc. (Crystal Springs or Company) filed with the Public Utility Commission of Texas (Commission) an application to amend its sewer certificate of convenience (CCN) No. 20782 in Montgomery County, Texas. The total area being requested includes approximately 316.288 acres and zero current customers.

On November 21, 2014, Order No. 1 Requiring Comments on Administrative Completeness and Notice, Requesting Procedural Schedule, and Addressing Other Procedural Matters was issued requiring Staff to file a recommendation on the application by December 8, 2014. On December 5, 2014, Commission Staff requested a good cause extension because additional time was needed to complete the mapping overlap check which allows Staff to determine whether the Applicant's proposed CCN area overlaps with other existing CCN areas and whether the application has provided notice to the proper affected parties. On December 15, 2014, the Administrative Law Judge granted this motion and ordered Staff to file comments on the administrative completeness of the application and proposed notice and a proposed procedural schedule by January 9, 2015. On January 9, 2015, Commission Staff filed comments on the application and determined that the application was not administratively complete because it contained material deficiencies. On January 12, 2015, the ALJ issued Order No. 3 deeming the application not administratively complete and ordered the Applicant to cure the noted deficiencies. Order No. 3 also directed Staff to file a supplemental recommendation regarding

10

administrative completeness of the amended application and notice by March 11, 2015. Therefore, this Response is timely filed.

II. ADMINISTRATIVE COMPLETENESS OF THE APPLICATION AND NOTICE

As detailed in the attached memorandum of Debbie Reyes-Tamayo of the Commission's Water Utilities Division, Staff has reviewed the application and recommends that the application be found administratively complete pursuant to P.U.C. SUBST. R. 24.8(a), 24.105 and 24.106. P.U.C. SUBST. R. 24.8 provides for the review for administrative completeness of CCN applications. P.U.C. SUBST. R. 24.105 provides the Commission's required contents of a CCN application, and P.U.C. SUBST. R. 24.106 provides the Commission's notice requirements for CCN applications. Notice to neighboring systems, landowners, and cities was provided on January 15, 2015, and published notice occurred on January 17 and 24, 2015, in the Conroe Courier which is generally circulated in Montgomery County, Texas. Affidavits and copies of individual notices were received by the Commission on February 24, 2015. After review of these notices, Staff has determined that notice of the application was given to all affected and interested parties. Therefore, Staff recommends the application be deemed administratively complete.

III. PROPOSED PROCEDURAL SCHEDULE

Although the Applicant has provided documentation sufficient to have the application be deemed administratively complete, Staff requires additional information in order to fully process this application. Specifically, though the Applicant has provided documentation showing the wastewater permit referenced in the application was approved by the Texas Commission on Environmental Quality (TCEQ) on December 8, 2014, the Applicant must also show they have submitted a Summary Transmittal Letter to the TCEQ for review and must demonstrate TCEQ approval. The Summary Transmittal Letter is filed in lieu of plans and specs and must be signed and sealed by a licensed Professional Engineer (P.E.). Because, the Applicant has indicated to Staff that the Summary Transmittal Letter has not been provided to the TCEQ and that the wastewater treatment plant is still in the design phase Staff recommends this docket be **abated** until the Applicant can demonstrate that the Summary Transmittal Letter or plans and specs for

the referenced wastewater treatment plant have been **approved** by the TCEQ. Therefore, Staff proposes the following procedural schedule which has been discussed with Applicant:

Event	Date
Applicant to file affidavits of proof of notice	February 24, 2015
Deadline for intervention; deadline for intervenors to file comments or request a hearing on the merits	Within 30 days of mailing or publication of notice, whichever occurs later ¹ - Occurred February 24, 2015
Abatement	
Update by Applicant of progress in obtaining proper documentation to demonstrate that the Summary Transmittal Letter or plans and specs for the referenced wastewater treatment plant have been approved by the TCEQ	Every month starting April 3, 2015 (and continuing on the 3 rd of every month until the docket unabated)

IV. CONCLUSION

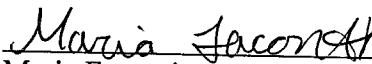
Staff respectfully requests that the ALJ issue an Order consistent with this pleading and abates this docket.

Date: March 11, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director- Legal Division

Shelah J. Cisneros
Managing Attorney-Legal Division


Maria Faconti
Attorney-Legal Division
State Bar No. 24078487
(512) 936-7235
(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(a)(3).

DOCKET NO. 43817
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 11th day of March, 2015, in accordance with P.U.C. Procedural Rule 22.74.

Maria Faconti
Maria Faconti

PUC Interoffice Memorandum

To: Maria Faconti, Attorney
Legal Division

Thru: Tammy Benter, Director
Water Utility Division

From: *DK 3-11-15* Debbie Reyes Tamayo
Program Specialist
Water Utility Division

Date: March 11, 2015

Subject: Docket No. 43817, Application of Crystal Springs Water Company, Inc. for an Amendment to Sewer Certificate of Convenience and Necessity (CCN) in Montgomery County

On November 19, 2014, Crystal Springs Water Co., Inc., (Applicant) filed an application with the Commission to amend its sewer CCN. No. 20782 in Montgomery County under P.U.C. Substantive Rules 24.101 – 24.107.

The proposed area will include 316.288 acres in Montgomery County to be developed into residential lots under developer Martin Realty & Land Inc., for the Willis Waukegan Subdivision.

Order No. 3 requested that applicant provide correct notices to all affected and interested parties. Notice to neighboring systems, landowners, and cities was provided on January 15, 2015, and published notice occurred on January 17, and 24, 2015, in the Conroe Courier which is generally circulated in Montgomery County, Texas. The comment period ended on February 24, 2015. Affidavits and copies of individual notices were received by the Commission on February 24, 2015.

Notice of the application was given to all affected and interested parties and no requests for a public hearing on the application were received.

The application is considered administratively complete.

Staff has begun their technical review of the information provided by the applicant. Although the Applicant has provided documentation showing the wastewater permit referenced in the application was approved by the TCEQ on December 8, 2014, the Applicant must also show they have submitted a Summary Transmittal Letter to the TCEQ for review and approval. The Summary Transmittal Letter is filed in lieu of plans and specs and must be signed and sealed by a licensed P.E. The Applicant has indicated to Staff that the Summary Transmittal Letter has not been provided to the TCEQ and that the wastewater treatment plant is still in the design phase. Staff recommends the application be abated until the Applicant can demonstrate that the Summary Transmittal Letter or plans and specs for the referenced wastewater treatment plant have been approved by the TCEQ.

TB/DRT

Docket 43817