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DOCKET NO. 43817

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

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 1, 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. 1, 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. Therefore, this Response is timely filed.

II. STAFF'S RECOMMENDATION ON THE NOTICE AND APPLICATIONS

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

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be found materially deficient pursuant to P.U.C. SUBST. R. 24.105 and 24.106. Staff has identified multiple mapping and related notice deficiencies in the application. P.U.C. SUBST. R. 24.8(a) provides that, if material deficiencies exist in a CCN application or notice, the application may be rejected. In order to cure the identified mapping deficiencies, Staff recommends the Applicant update the application as specified in the attached memoranda.

Pursuant to P.U.C. SUBST. R. 24.8(a), the application is not considered filed until the Commission determines that the application and notice are both administratively complete. Staff has identified deficiencies in the application and, therefore, recommends that the application package be found **not administratively complete** pursuant to P.U.C. SUBST. R. 24.105 and 24.106. At this time, Staff recommends that the application package be rejected pursuant to P.U.C. SUBST. R. 24.8(a) until the deficiencies are cured and that the Applicant be given until February 20, 2015 to cure the identified deficiencies and submit a revised proposed notice.

III. PROPOSED PROCEDURAL SCHEDULE

As explained in the attached memoranda, Staff recommends that the application be found not administratively complete due to the identified deficiencies. Accordingly, Staff has not proposed a procedural schedule for this application at this time. Staff recommends Applicant have until February 20, 2015 to cure the deficiencies in the application. Staff also requests that it have until Wednesday, March 11, 2015 to review the items submitted and make a supplemental recommendation regarding the sufficiency of the application.

IV. CONCLUSION

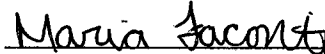
Staff recommends that the application be deemed not administratively complete due to the noted deficiencies. Staff further recommends that the Applicant be given until February 20, 2015 to amend its application in order to cure the deficiencies identified in Staff's memo and submit a revised proposed notice. At this time, Staff further requests that it have until March 11, 2015 to supplement its recommendation regarding notice and administrative completeness of the application. In the event that Staff determines that the Applicant's amended application and notice are administratively complete, Staff will propose a procedural schedule for processing the matter. Staff respectfully requests the ALJ issue an order consistent with this Response.

Date: January 9, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director- Legal Division

Shelah J. Cisneros
Managing Attorney-Legal Division



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**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 9th day of January, 2015, in accordance with P.U.C. Procedural Rule 22.74.

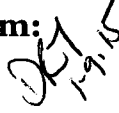


Maria Faconti

PUC Interoffice Memorandum

To: Maria Faconti, Attorney
Legal Division

Thru: Tammy Benter, Director
Water Utility Division

From:  Debbie Reyes Tamayo
Program Specialist
Water Utility Division

Date: January 9, 2015

Subject: Docket No. 43817, Application of Crystal Springs Water Co., Inc., to amend its' Certificate of Convenience and Necessity (CCN) in Montgomery County

On November 19, 2014, Crystal Springs Water Co., Inc., (Applicant) filed an application to amend its' CCN 20782 in Montgomery County under PUC Subst. R in Chapters §§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 Willis Waukegan Subdivision.

Based on review of the information in the application and the applicable laws and rules, I recommend that the application be deemed insufficient for filing. I further recommend the Applicant do the following:

1. Revise the description in the notice to read “on the east by Crockett Martin Road; on the south by Frank Plunk and Waukegan Road”
2. The applicant provided an incomplete list of entities who must receive notice within a 5-mile boundary of the proposed sewer service area. In addition to those utilities listed in the application, the Applicant should provide notice to the following entities:
 - East Montgomery County Improvement District (District ID 2801500)
 - Montgomery County MUD 92 (District ID 5858166)
3. 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; any city with an extraterritorial jurisdiction which overlaps the proposed service area;
 - b) 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
 - c) publish notice once a week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County;

4. Include a copy of a map showing the proposed sewer 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/>.
5. Provide separate and additional maps of the proposed sewer service area to show the following:
 - a) all facilities, illustrating separately, facilities for production, transmission, and distribution of the applicant's sewer services; and
 - b) any facilities, customers or area currently being served outside the applicant's certificated sewer service area including a map showing requests for sewer service within the proposed service area.

TB/DRT

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND AFFECTED PARTIES
DOCKET NO. _____

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual notice to
the following entities and landowners:

	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 _____

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CUSTOMERS DOCKET NO. _____

STATE OF TEXAS
COUNTY OF _____

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 _____
(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 _____, 2014,
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 _____