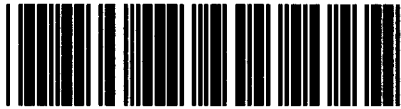


Control Number: 44001



Item Number: 12

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
Legislature, Regular Session, transferred the functions  
relating to the economic regulation of water and sewer  
utilities from the TCEQ to the PUC effective  
September 1, 2014

478001  
B & D ENVIRONMENTAL, INC.

P.O. BOX 500264  
AUSTIN, TEXAS 78750  
PHONE NO: (512) 264-9124  
FAX NO: (512) 692-1967

EMAIL: bretfenner@yahoo.com

September 21, 2012

Ms. Elizabeth Flores  
Texas Commission on Environmental Quality  
Utilities & Districts Section, MC 153  
Water Supply Division  
P.O. Box 13087  
Austin, Texas 78711-3087

RECEIVED  
2014 DEC 22 AM 7:38  
PUBLIC UTILITY COMMISSION  
FILING CLERK

Re: Application from Mitchell M. Martin d.b.a. Community Utility Company (Community) to Amend Water Certificate of Convenience and Necessity (CCN) No. 10350 and to Decertify a Portion of CCN No. 10350, in Harris and Montgomery Counties; Application No. 37266-C

Dear Ms. Flores:

Per your letter of August 6, 2012 accepting this application for filing, enclosed please find the following notices and affidavits:

1. Four copies of the notice and map sent to all neighboring utility and affected party along with an original and four copies of a signed affidavit that notice was mailed to each party.
2. No notice was necessary to any landowner as no landowner owns more than 25 acres within the proposed service area.
3. I understand that you have received the requested newspaper publication notices and customer notices along with signed affidavits directly from the utility.

Please proceed with your technician review and administrative processing of this application. Should you have any further questions concerning this application, please do not hesitate to contact me at (512) 264-9124.

Sincerely,



Bret W. Fenner, P.E.  
B & D Environmental, Inc.

Enclosures

Texas Commission on Environmental Quality



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES  
APPLICATION NO. 37266-C

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

Community Utility Company has provided  
individual notice to the following entities:

See Attached List

DATE  
8/15/12

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authorized representative (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  
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[Signature]  
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Subscribed and sworn to before me this 27<sup>th</sup> day of August, 2012,  
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ABHA SINGH

Print or Type Name of Notary Public  
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PORTER, TEXAS 77365

CCN NO. 10833 ✓  
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110 W GULF BANK RD  
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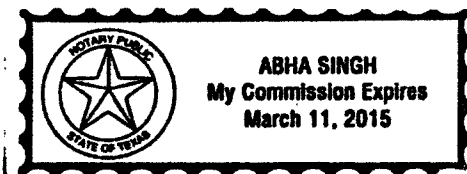
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Texas Commission on Environmental Quality



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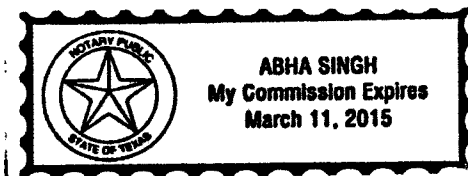
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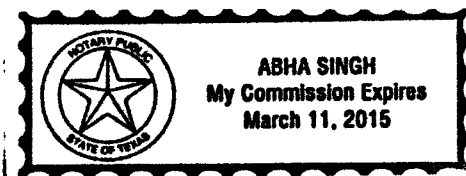
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WATER AUTHORITY  
1001 MCKINNEY ST STE 1000  
HOUSTON , TEXAS 77002-6424

ROBIN PUD  
100 LOUISIANA ST STE 400  
SMITH MURDAUGH LITTLE & BONHAM  
HOUSTON , TEXAS 77002-5211

PANISH COVE PUD  
100 LOUISIANA ST STE 400  
SMITH MURDAUGH LITTLE & BONHAM  
HOUSTON , TEXAS 77002-5211

SUNBELT FWSD  
410 W GULF BANK RD  
HOUSTON , TEXAS 77037-2902

HARRIS GALVESTON SUBSIDENCE  
DISTRICT  
1660 W BAY AREA BLVD  
FRIENDSWOOD , TEXAS 77546

HARRIS COUNTY FCD  
900 NORTHWEST FWY  
HOUSTON, TEXAS 77092-8619

GULF COAST WASTE DISPOSAL  
AUTHORITY  
910 BAY AREA BLVD  
HOUSTON, TEXAS 77058-2604

LONE STAR GCD  
PO BOX 2467  
CONROE, TEXAS 77305-2467

MONTGOMERY COUNTY  
PO BOX 959  
CONROE, TEXAS 77305

CCN NO. 11373  
CRYSTAL SPRINGS WATER CO.  
PO BOX 603  
PORTER, TEXAS 77365-0603

***Notice to Neighboring Systems, Landowners and Cities***

**NOTICE OF APPLICATION FOR MITCHELL M MARTIN dba  
COMMUNITY UTILITY COMPANY TO AMEND ITS  
CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO  
PROVIDE WATER UTILITY SERVICE IN HARRIS AND  
MONTGOMERY COUNTIES, TEXAS**

Mitchell M. Martin dba Community Utility Company has filed an application to amend and decertify a portion of its CCN No. 10350 with the Texas Commission on Environmental Quality to provide water utility service in Harris and Montgomery Counties.

The proposed utility service area is located approximately:

**Forest Trails- to be decertified:**

Approximately 30 acres with no current customers; 13.5 miles southeast of downtown Conroe, on the north by Kalka Rd, on the east by Crystalwood Estates Dr, on the south by Pickering Rd, on the west by Dry Creek.

**Heathergate- to be decertified:**

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Approximately 25.6 acres with 49 current customers; on the north by FM 1960, on the west by approximately 700 ft. east of Rain Forest Dr, on the south by approximately 150 ft. south of Beckman Dr, on the west by FM 2100.

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Approximately 99 acres with 105 current customers; On the north by approximately 250 ft. north of Heathergate Ln, on the east by FM 2100, on the south by approximately 400 ft. south of Indian Shore Rd, on the west by approximately 300 ft. west of Berry Thicket.

The proposed amendment affects customers and/or areas located in the following zip code: 77302, 77336, 77532, and 77088.

A copy of the proposed service area map is available at: 27493 Hanna Road No. 2, Conroe, Texas, Phone number: 281-267-4460

**See enclosed map of the proposed service area.**

83 11 00 12 13

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Water Supply Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

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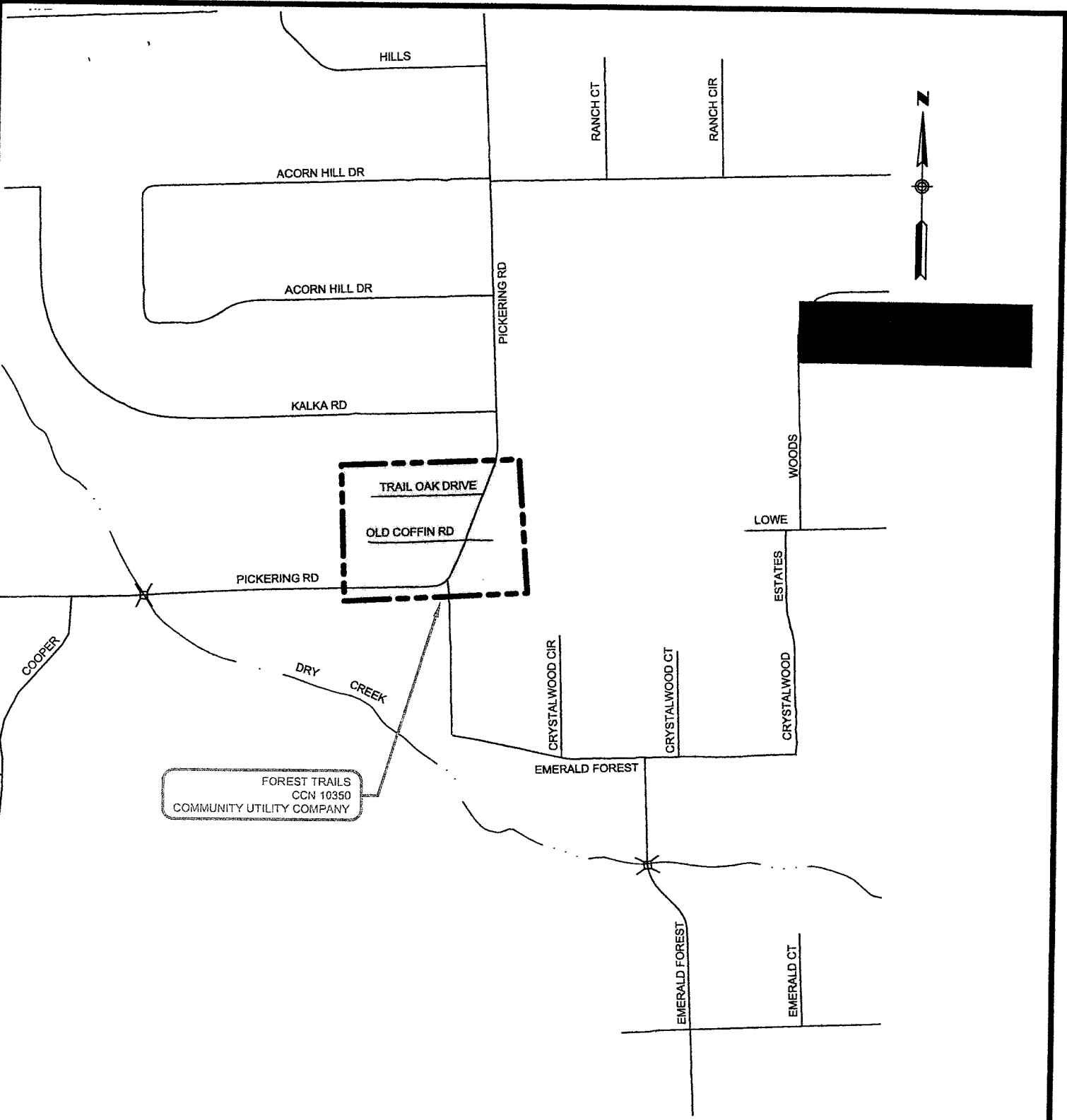
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**WARNING**



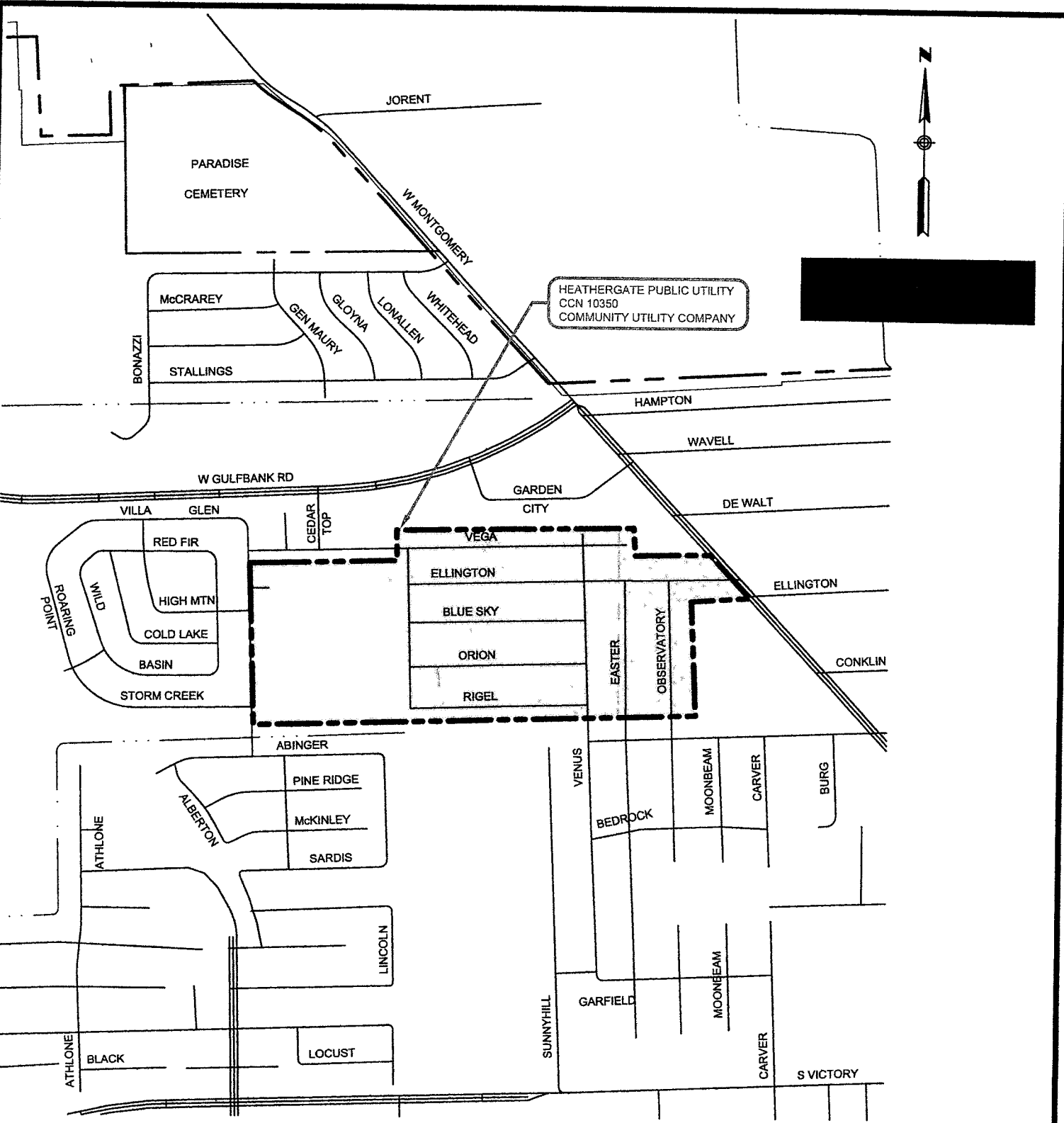
IF THIS BAR DOES NOT  
MEASURE 1", THE  
DRAWING IS NOT TO  
SCALE

**CCN AMENDMENT APPLICATION**  
**FOREST TRAILS LARGE SCALE MAP**

**COMMUNITY UTILITY COMPANY**  
HARRIS AND MONTGOMERY COUNTIES, TEXAS



**Southwest Engineers, Inc.**  
Civil - Environmental - Planning  
Gonzales Austin  
www.swengineers.com  
TBPE No F-1909



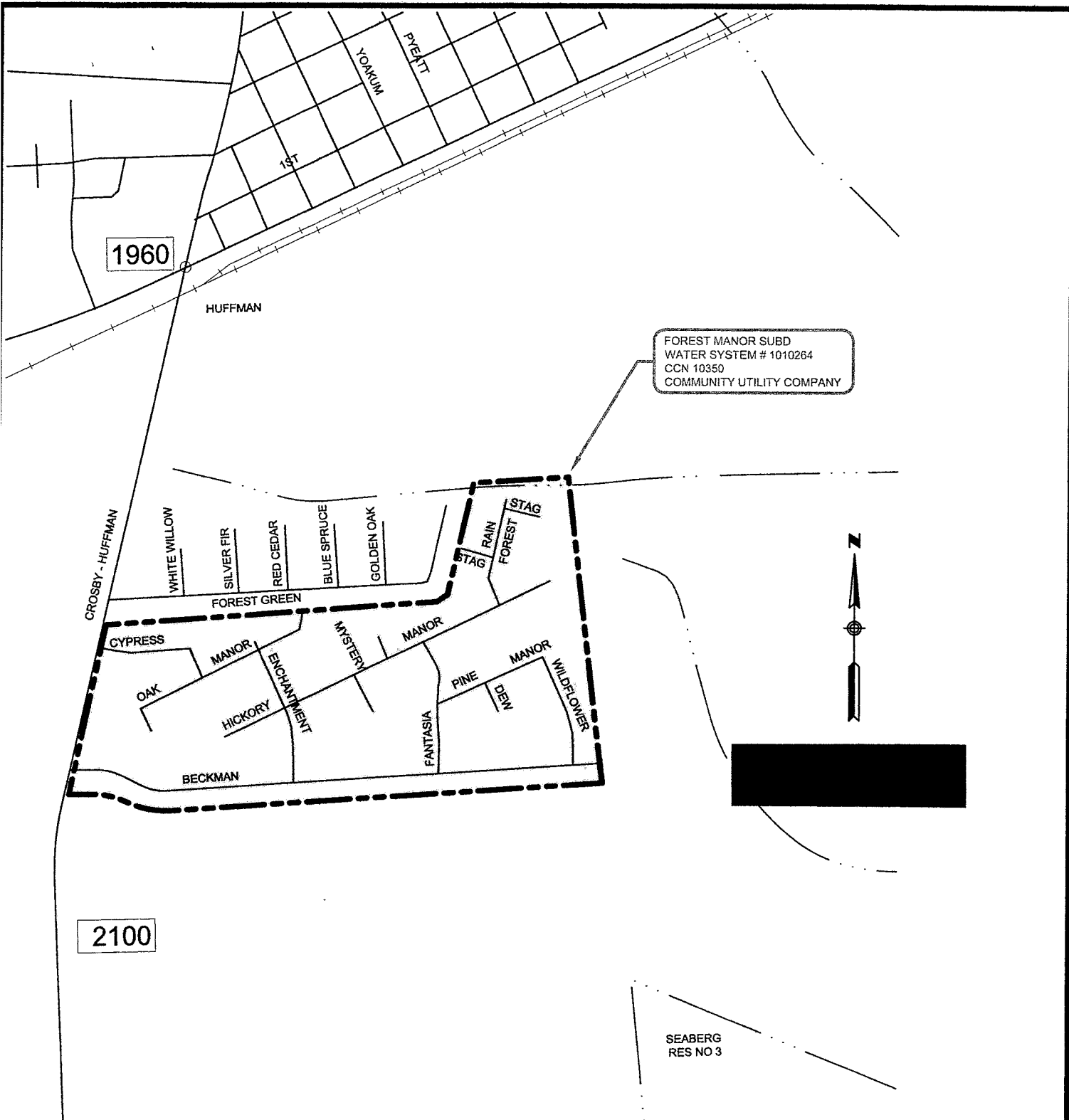
HEATHERGATE PUBLIC UTILITY  
CCN 10350  
COMMUNITY UTILITY COMPANY

**WARNING**  
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**CCN AMENDMENT APPLICATION**  
**HEATHERGATE PUBLIC UTILITY COMPANY LARGE SCALE MAP**

**COMMUNITY UTILITY COMPANY**  
HARRIS AND MONTGOMERY COUNTIES, TEXAS


 **Southwest Engineers, Inc.**  
Civil - Environmental - Planning  
Gonzales Austin  
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FOREST MANOR SUBD  
WATER SYSTEM # 1010264  
CCN 10350  
COMMUNITY UTILITY COMPANY



SEABERG  
RES NO 3

**WARNING**  
  
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**FOREST MANOR SUBDIVISION LARGE SCALE MAP**

**COMMUNITY UTILITY COMPANY**  
HARRIS AND MONTGOMERY COUNTIES, TEXAS



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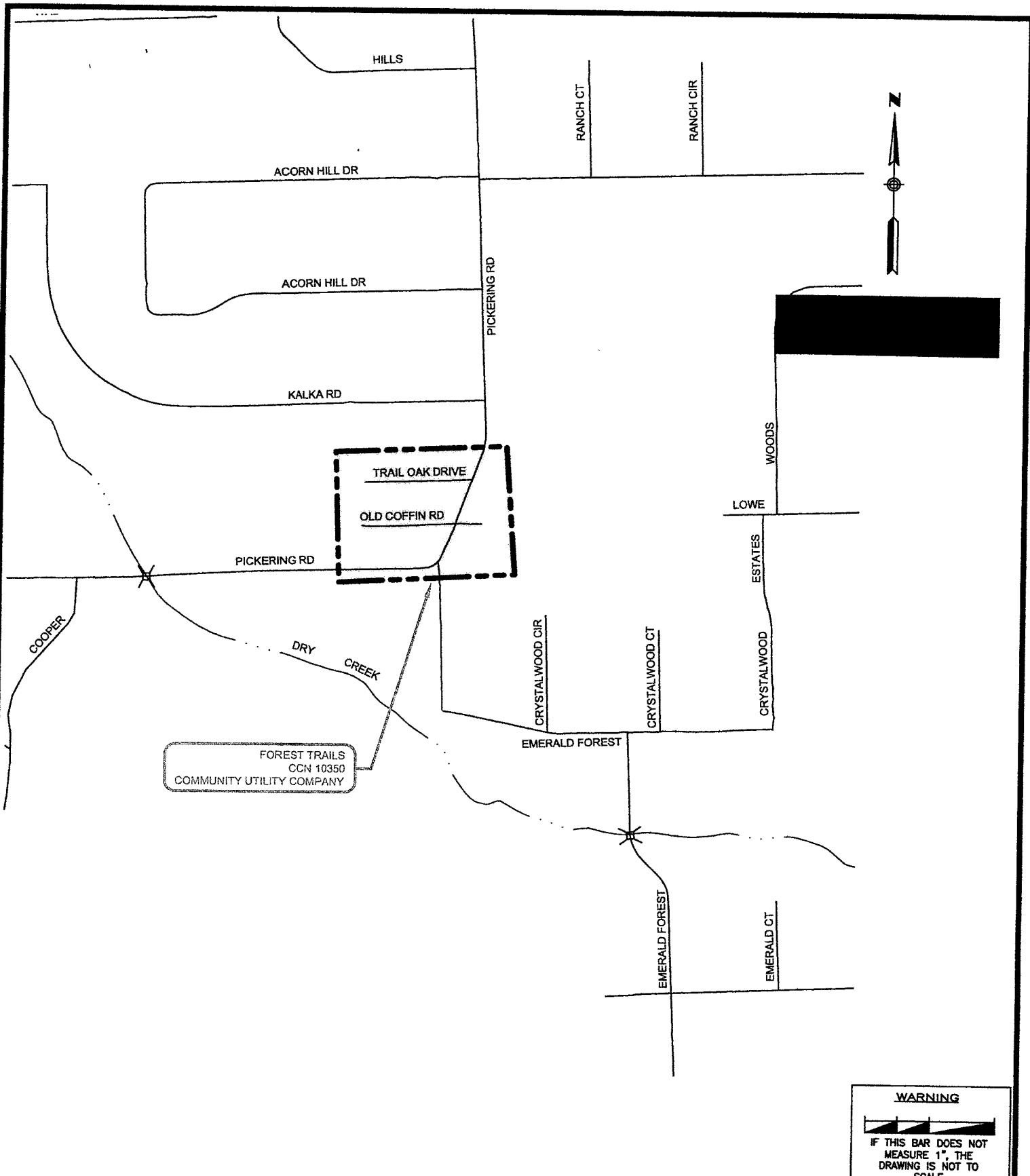
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SWENGE 30462 CCN Community Utility, Inc. Sep 20, 2011, 10:03am

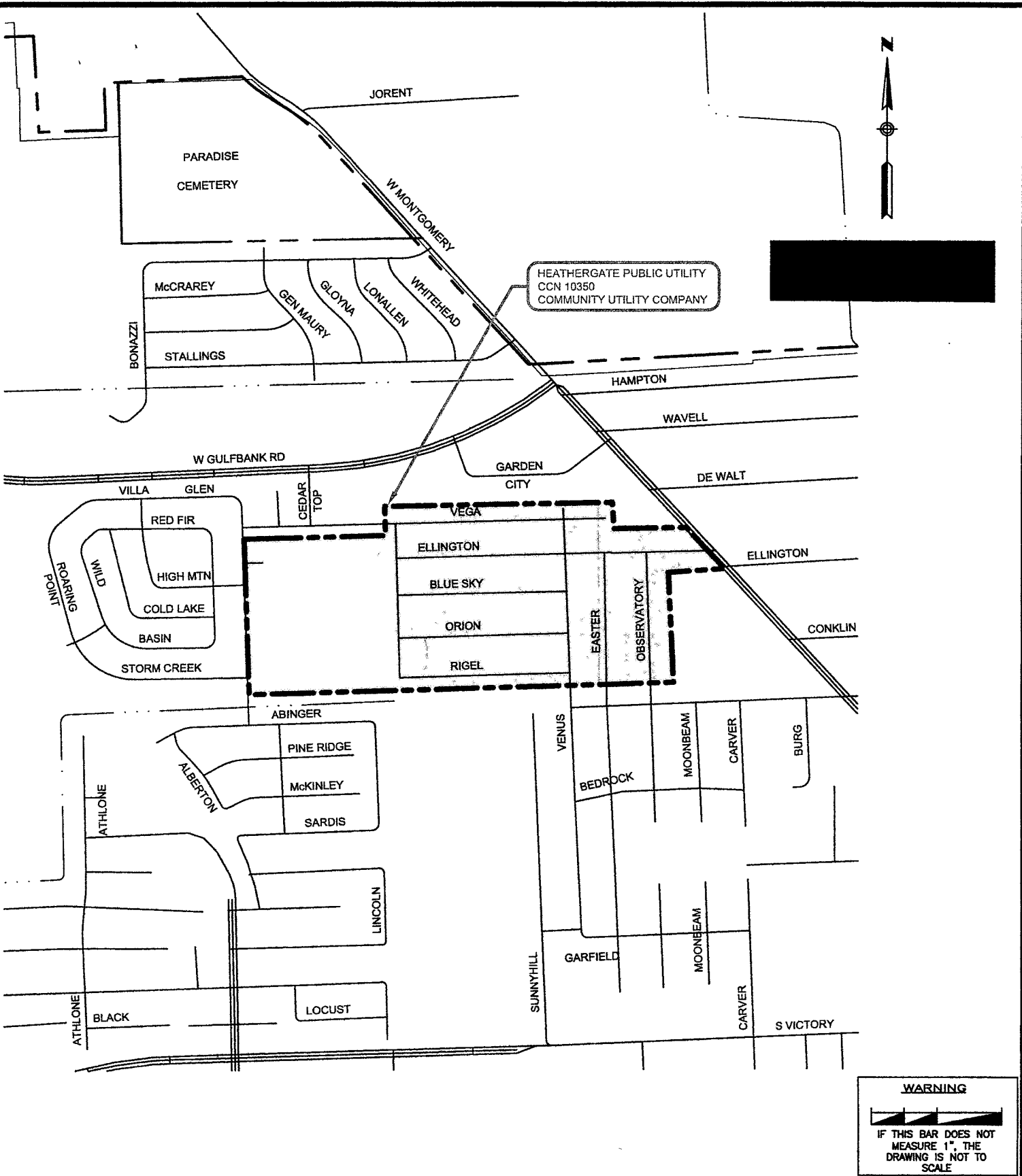


**CCN AMENDMENT APPLICATION**  
**FOREST TRAILS LARGE SCALE MAP**

**COMMUNITY UTILITY COMPANY**  
HARRIS AND MONTGOMERY COUNTIES, TEXAS



**Southwest Engineers, Inc.**  
Civil - Environmental - Planning  
Gonzales Austin  
www.swengineers.com  
TBPE No. F-1909



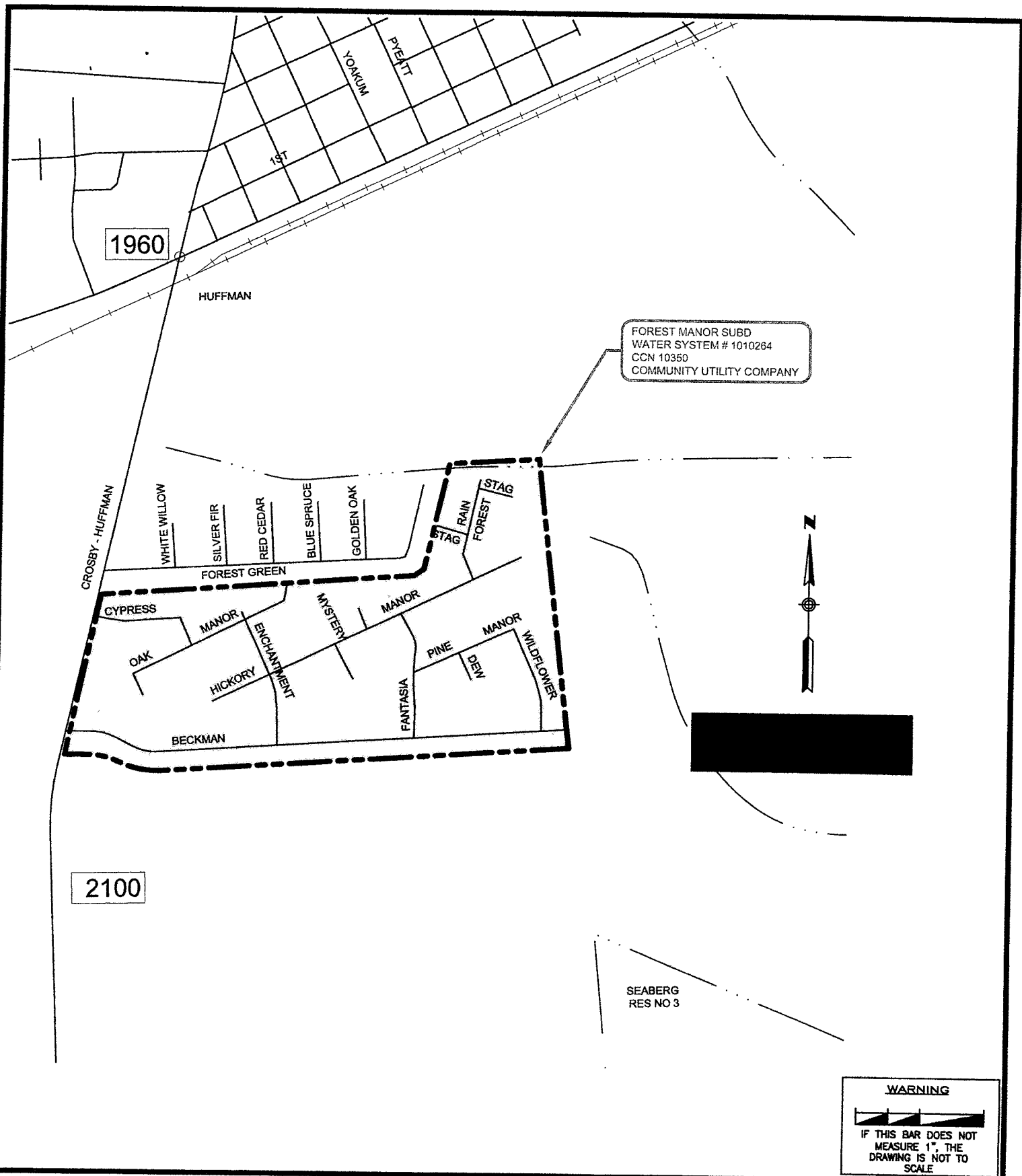
**CCN AMENDMENT APPLICATION**  
**HEATHERGATE PUBLIC UTILITY COMPANY LARGE SCALE MAP**

**COMMUNITY UTILITY COMPANY**  
HARRIS AND MONTGOMERY COUNTIES, TEXAS



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C:\Users\ThomasB.SWE\Desktop\ACAD STUFF\0362-006-10 2011 TWDB DWSRF\Work In Progress\CCN Amendment\AMD-LARGE SCALE-CCN-Community.dwg Tue, Sep 20, 2011, 10:10am

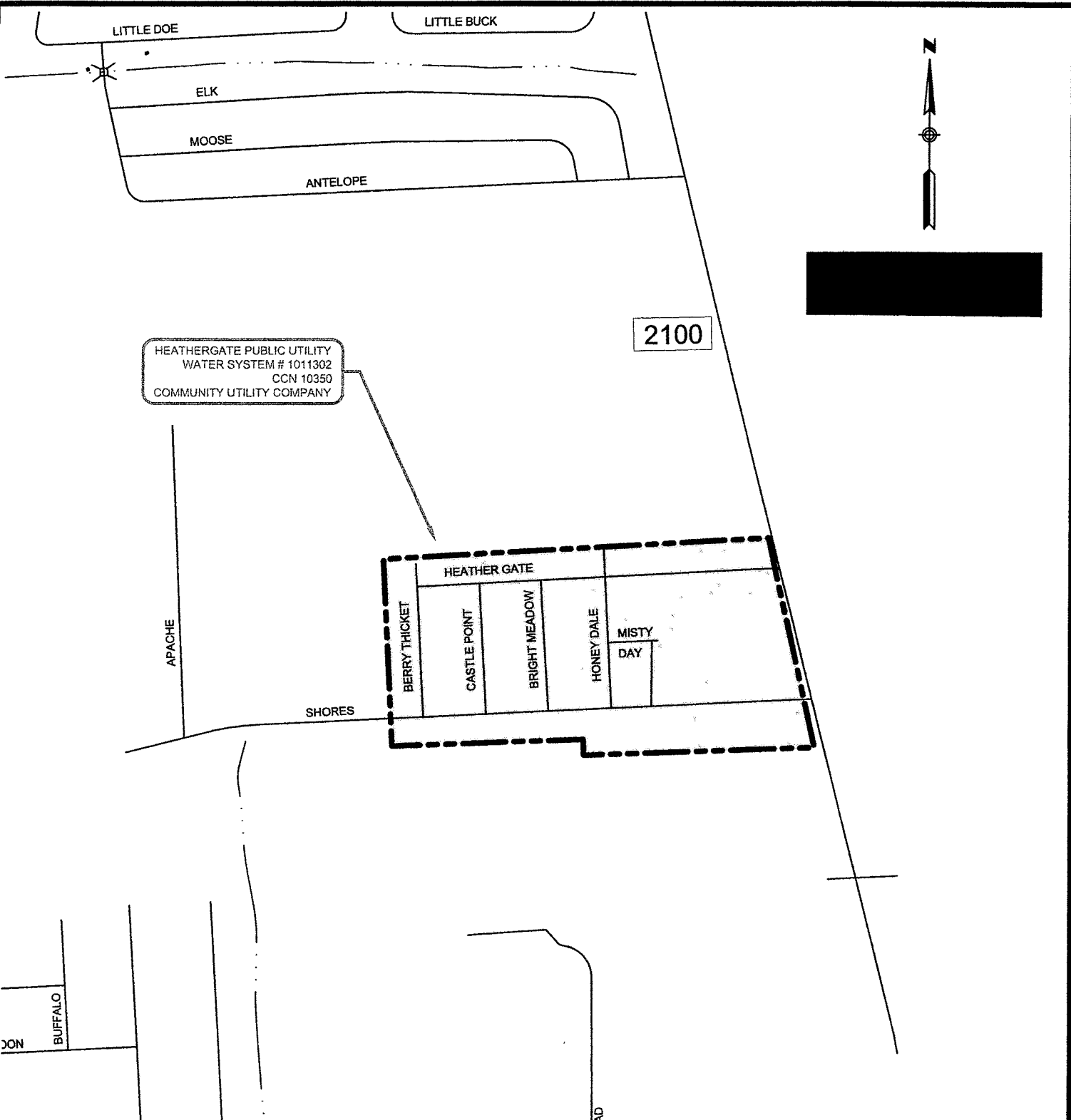


**CCN AMENDMENT APPLICATION**  
**FOREST MANOR SUBDIVISION LARGE SCALE MAP**

**COMMUNITY UTILITY COMPANY**  
HARRIS AND MONTGOMERY COUNTIES, TEXAS



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**HEATHERGATE PUBLIC UTILITY COMPANY LARGE SCALE MAP**

**COMMUNITY UTILITY COMPANY**  
 HARRIS AND MONTGOMERY COUNTIES, TEXAS



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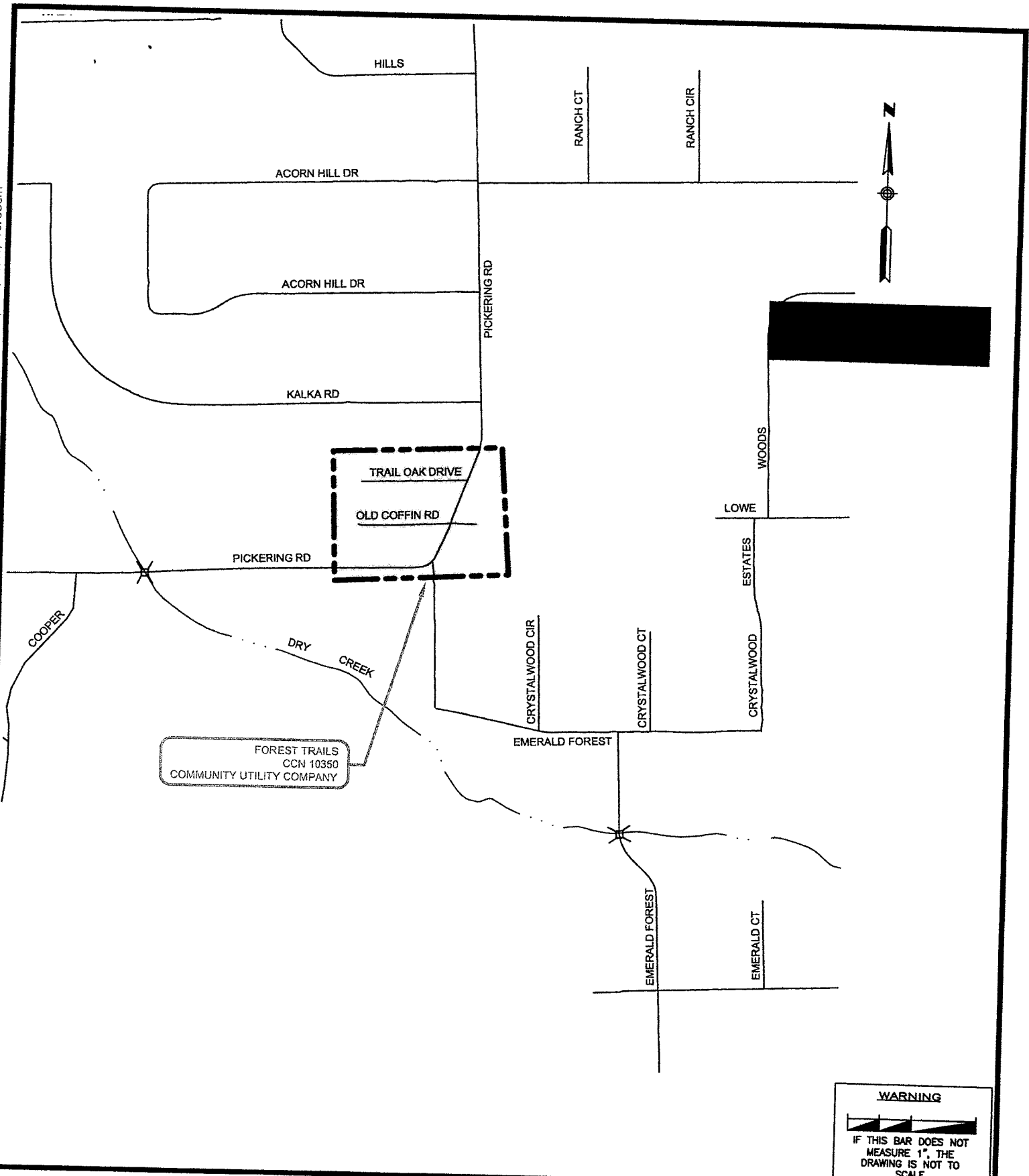
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CCN Amendment\AMD-LARGE SCALE-CCN-Community.dwg Tue, Sep 20, 2011, 10:03am  
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**CCN AMENDMENT APPLICATION**  
FOREST TRAILS LARGE SCALE MAP

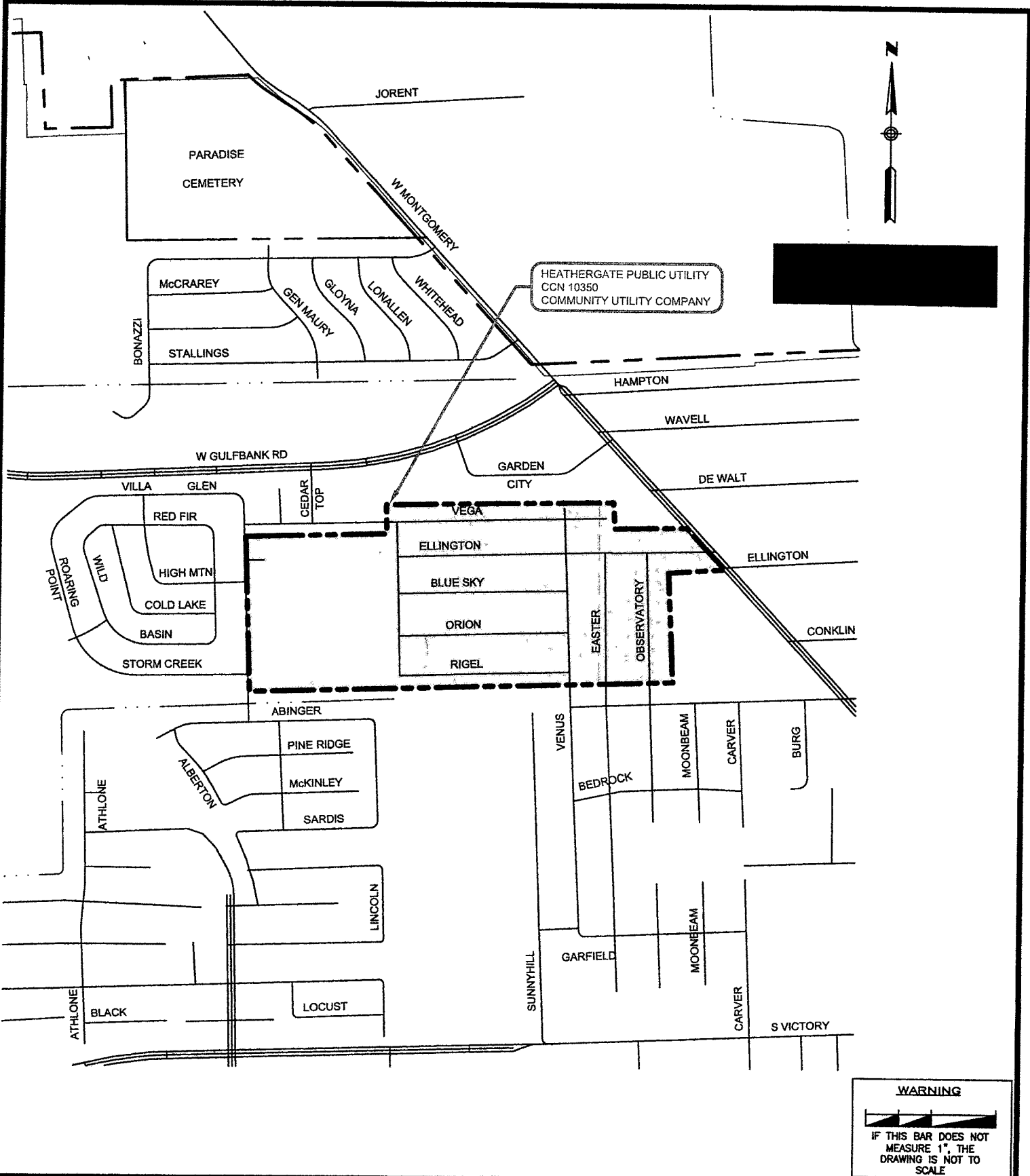
**COMMUNITY UTILITY COMPANY**  
HARRIS AND MONTGOMERY COUNTIES, TEXAS



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TBPE No. F-1909



0002 000 10 2011 TWO DRSKT Work in Progress CCN Amendment VAMD-LARGE SCALE-CCN-Community.dwg Wed, Oct 05, 2011, 9:29am



**CCN AMENDMENT APPLICATION**  
HEATHERGATE PUBLIC UTILITY COMPANY LARGE SCALE MAP

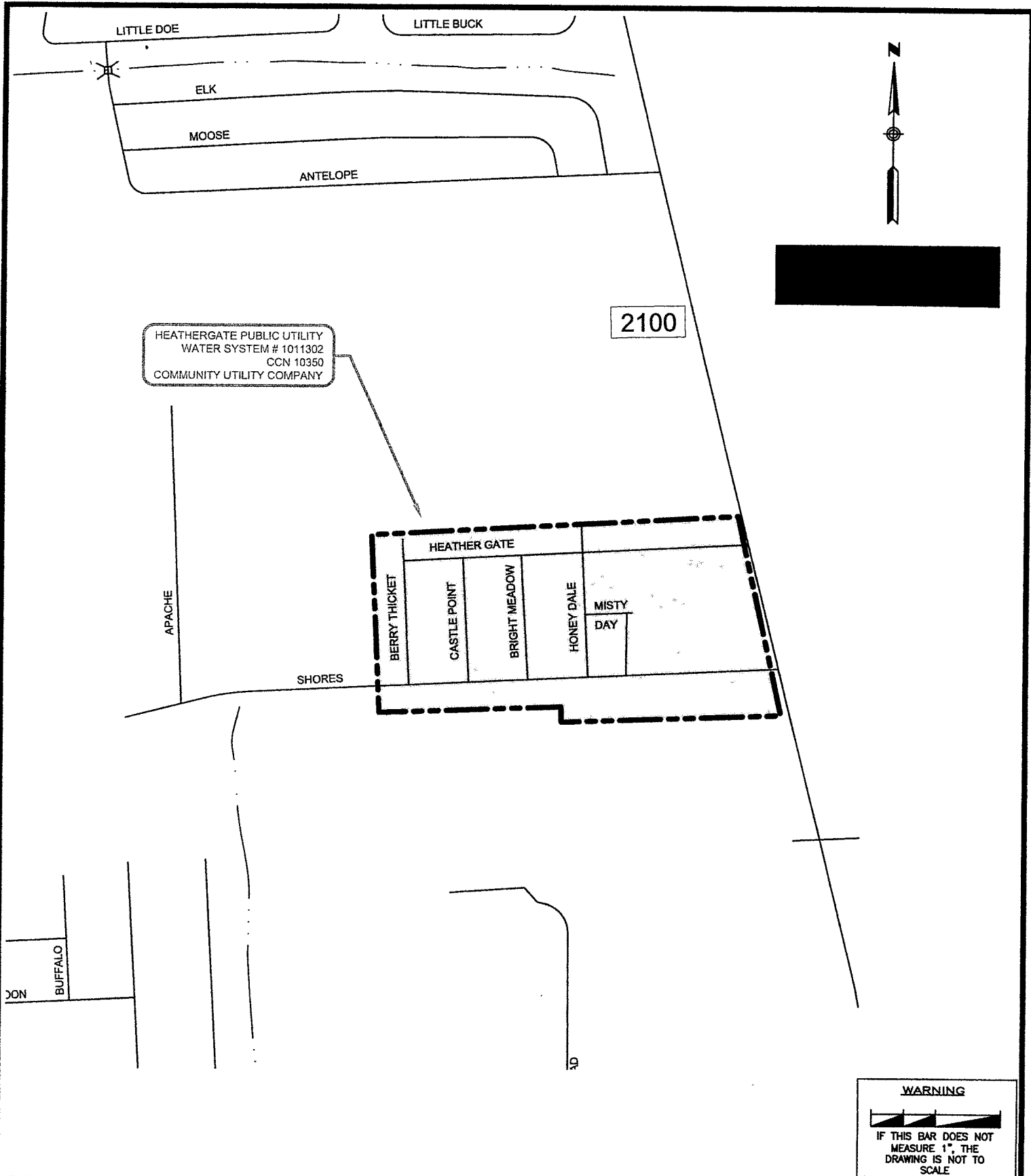
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Civil - Environmental - Planning  
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TBPE No. F-1009



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**HEATHERGATE PUBLIC UTILITY COMPANY LARGE SCALE MAP**

**COMMUNITY UTILITY COMPANY**  
HARRIS AND MONTGOMERY COUNTIES, TEXAS



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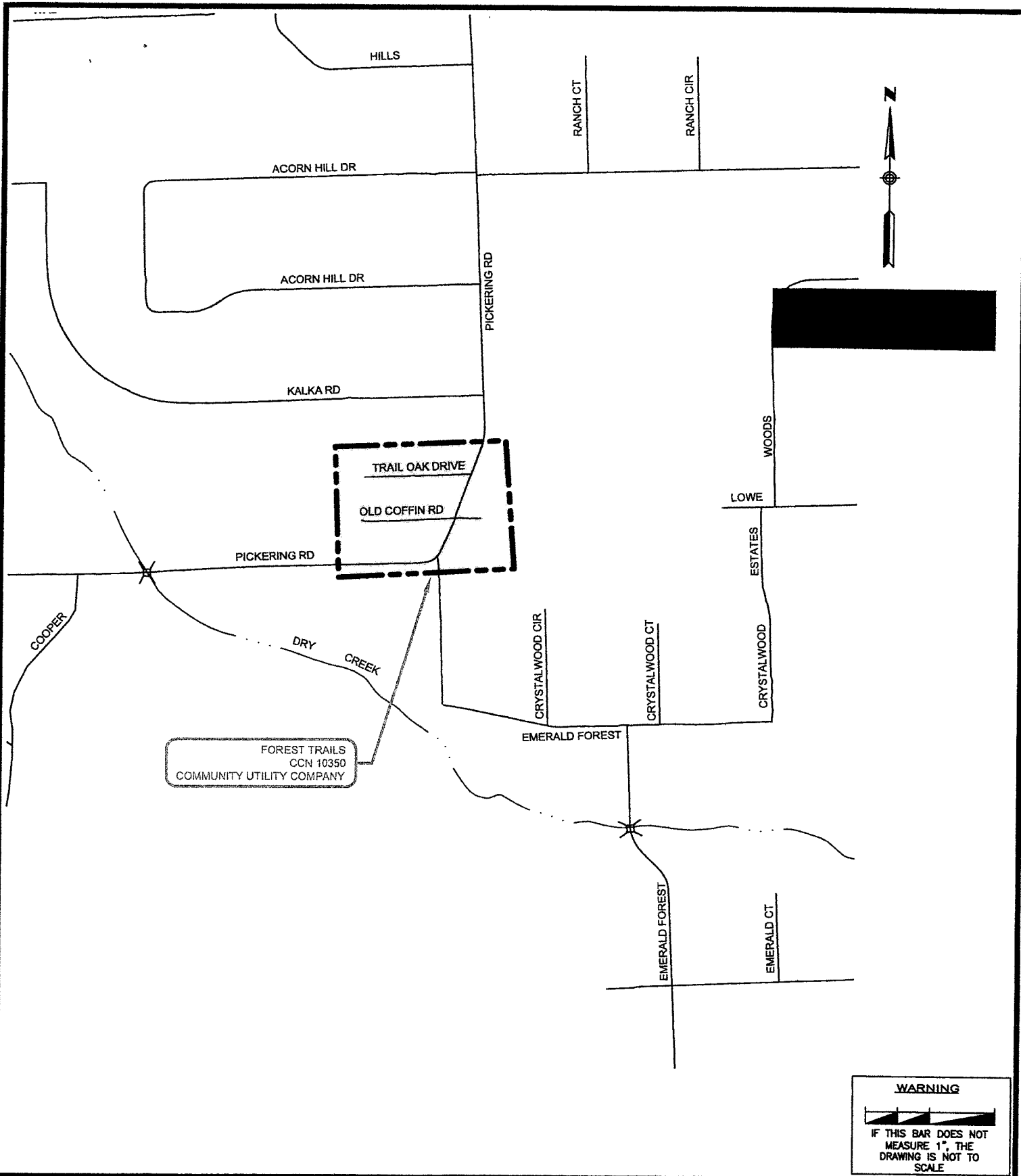
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C:\Users\ThomasB.SWE\Desktop\ACAD STUFF\0362-006-10 2011 TWDB DWSRF\Work In Progress\CCN Amendment\AMD-LARGE SCALE-CCN-Community.dwg Tue, Sep 20, 2011, 10:03am

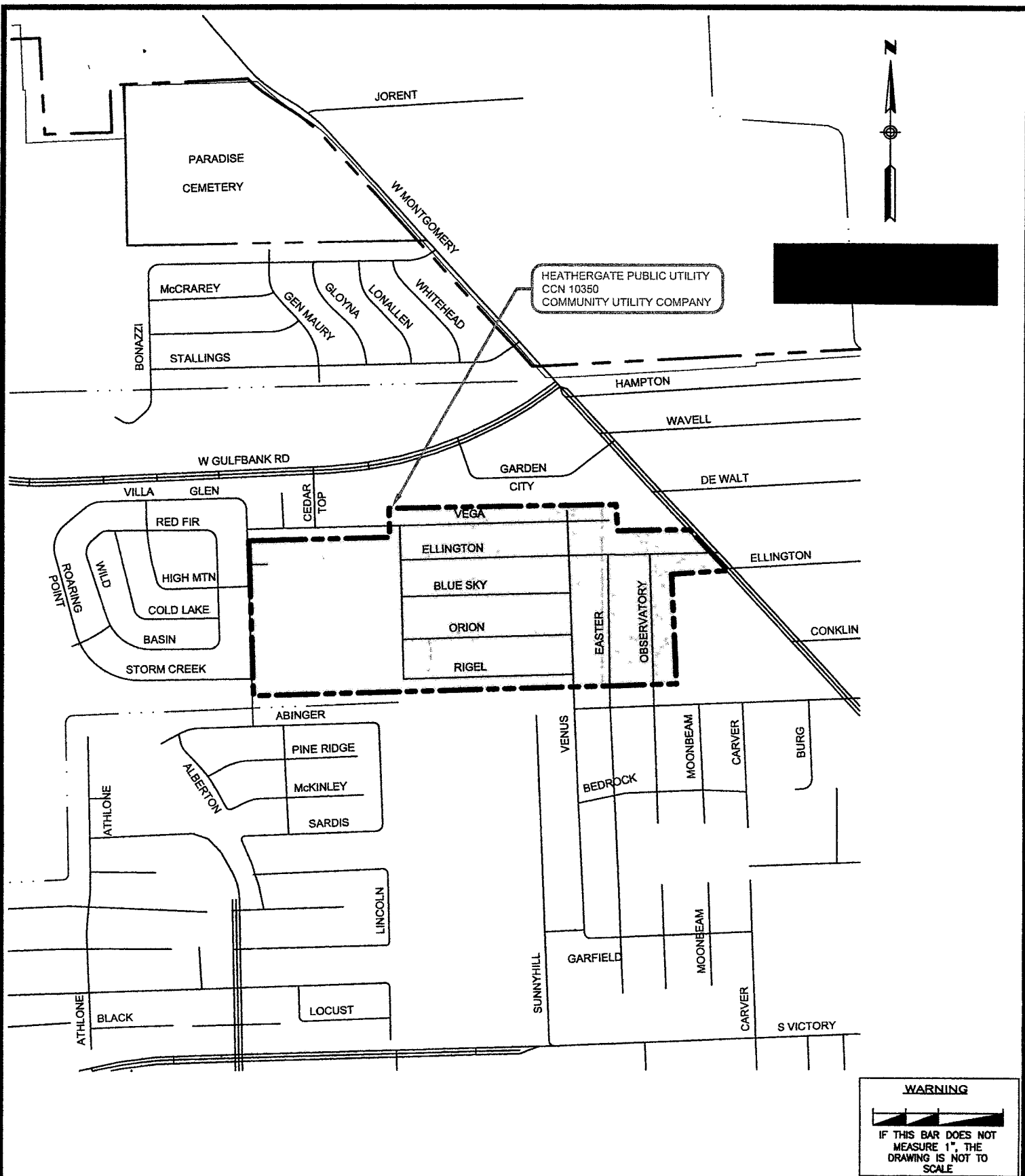


**CCN AMENDMENT APPLICATION**  
**FOREST TRAILS LARGE SCALE MAP**

**COMMUNITY UTILITY COMPANY**  
HARRIS AND MONTGOMERY COUNTIES, TEXAS



**Southwest Engineers, Inc.**  
Civil - Environmental - Planning  
Gonzales Austin  
www.swengineers.com  
TBPE No. F-1909



**CCN AMENDMENT APPLICATION**  
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**COMMUNITY UTILITY COMPANY**  
HARRIS AND MONTGOMERY COUNTIES, TEXAS



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Civil - Environmental - Planning  
Gonzales Austin  
www.swengineers.com  
TBPE No F-1909



1960

HUFFMAN

FOREST MANOR SUBD.  
WATER SYSTEM # 1010264  
CCN 10350  
COMMUNITY UTILITY COMPANY



2100

SEABERG  
RES NO 3

**WARNING**

IF THIS BAR DOES NOT  
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**FOREST MANOR SUBDIVISION LARGE SCALE MAP**

**COMMUNITY UTILITY COMPANY**  
HARRIS AND MONTGOMERY COUNTIES, TEXAS



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LITTLE DOE

LITTLE BUCK

ELK

MOOSE

ANTELOPE

2100

HEATHERGATE PUBLIC UTILITY  
WATER SYSTEM # 1011302  
CCN 10350  
COMMUNITY UTILITY COMPANY

APACHE

SHORES

HEATHER GATE

BERRY THICKET

CASTLE POINT

BRIGHT MEADOW

HONEY DALE

MISTY  
DAY

BUFFALO

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HARRIS AND MONTGOMERY COUNTIES, TEXAS



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**B & D ENVIRONMENTAL, INC.**

P.O. BOX 500264

AUSTIN, TEXAS 78750

PHONE NO: (512) 264-9124

FAX NO: (512) 692-1967

EMAIL: [bretfenner@yahoo.com](mailto:bretfenner@yahoo.com)

November 5, 2012

Ms. Elizabeth Flores  
Texas Commission on Environmental Quality  
Utilities & Districts Section, MC 153  
Water Supply Division  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: Application from Mitchell M. Martin d.b.a. Community Utility Company (Community) to Amend Water Certificate of Convenience and Necessity (CCN) No. 10350 and to Decertify a Portion of CCN No. 10350, in Harris and Montgomery Counties; Application No. 37266-C

Dear Ms. Flores:

Per your Notice of Deficiency letter of October 5, 2012 requesting additional information, enclosed please find the following notices, affidavits and maps:

1. Four copies of the notice and map sent to Harris County FWSD 58.
2. An original and three copies of a signed affidavit that notice was mailed to this entity.
3. Four copies of a map of proposed service area for Forest Manor showing facilities.

Please proceed with your technician review and administrative processing of this application without delay. Should you have any further questions concerning this application, please do not hesitate to contact me at (512) 264-9124.

Sincerely,



Bret W. Fenner, P.E.  
B & D Environmental, Inc.

Enclosures

***Notice to Neighboring Systems, Landowners and Cities***

**NOTICE OF APPLICATION FOR MITCHELL M MARTIN dba  
COMMUNITY UTILITY COMPANY TO AMEND ITS  
CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO  
PROVIDE WATER UTILITY SERVICE IN HARRIS AND  
MONTGOMERY COUNTIES, TEXAS**

Mitchell M. Martin dba Community Utility Company has filed an application to amend and decertify a portion of its CCN No. 10350 with the Texas Commission on Environmental Quality to provide water utility service in Harris and Montgomery Counties.

The proposed utility service area is located approximately:

**Forest Trails- to be decertified:**

Approximately 30 acres with no current customers; 13.5 miles southeast of downtown Conroe, on the north by Kalka Rd, on the east by Crystalwood Estates Dr, on the south by Pickering Rd, on the west by Dry Creek.

**Heathergate- to be decertified:**

Approximately 99 acres with no current customers; 10.5 miles northwest of downtown Houston, on the north by West Gulf Bank Rd, on the east by W. Montgomery Rd, on the south by Rigel Rd, on the west by Scenic Green Dr.

**Forest Manor- amendment:**

Approximately 25.6 acres with 49 current customers; on the north by FM 1960, on the west by approximately 700 ft. east of Rain Forest Dr, on the south by approximately 150 ft. south of Beckman Dr, on the west by FM 2100.

**Heathergate Estates- amendment:**

Approximately 99 acres with 105 current customers; On the north by approximately 250 ft. north of Heathergate Ln, on the east by FM 2100, on the south by approximately 400 ft. south of Indian Shore Rd, on the west by approximately 300 ft. west of Berry Thicket.

The proposed amendment affects customers and/or areas located in the following zip code: 77302, 77336, 77532, and 77088.

A copy of the proposed service area map is available at: 27493 Hanna Road No. 2, Conroe, Texas, Phone number: 281-267-4460

**See enclosed map of the proposed service area.**

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:

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

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 Executive Director 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.

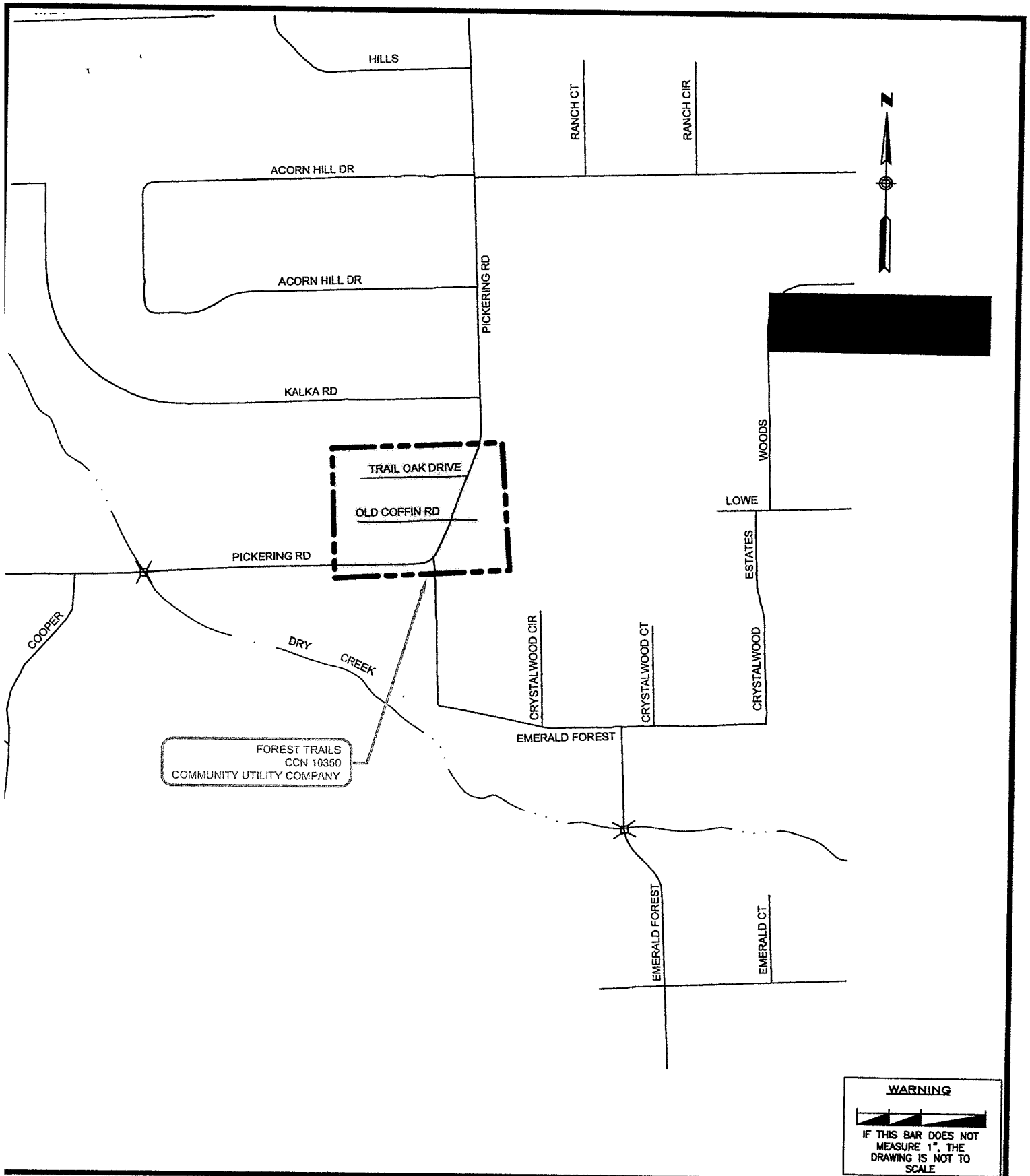
If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All request to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-239-0200.



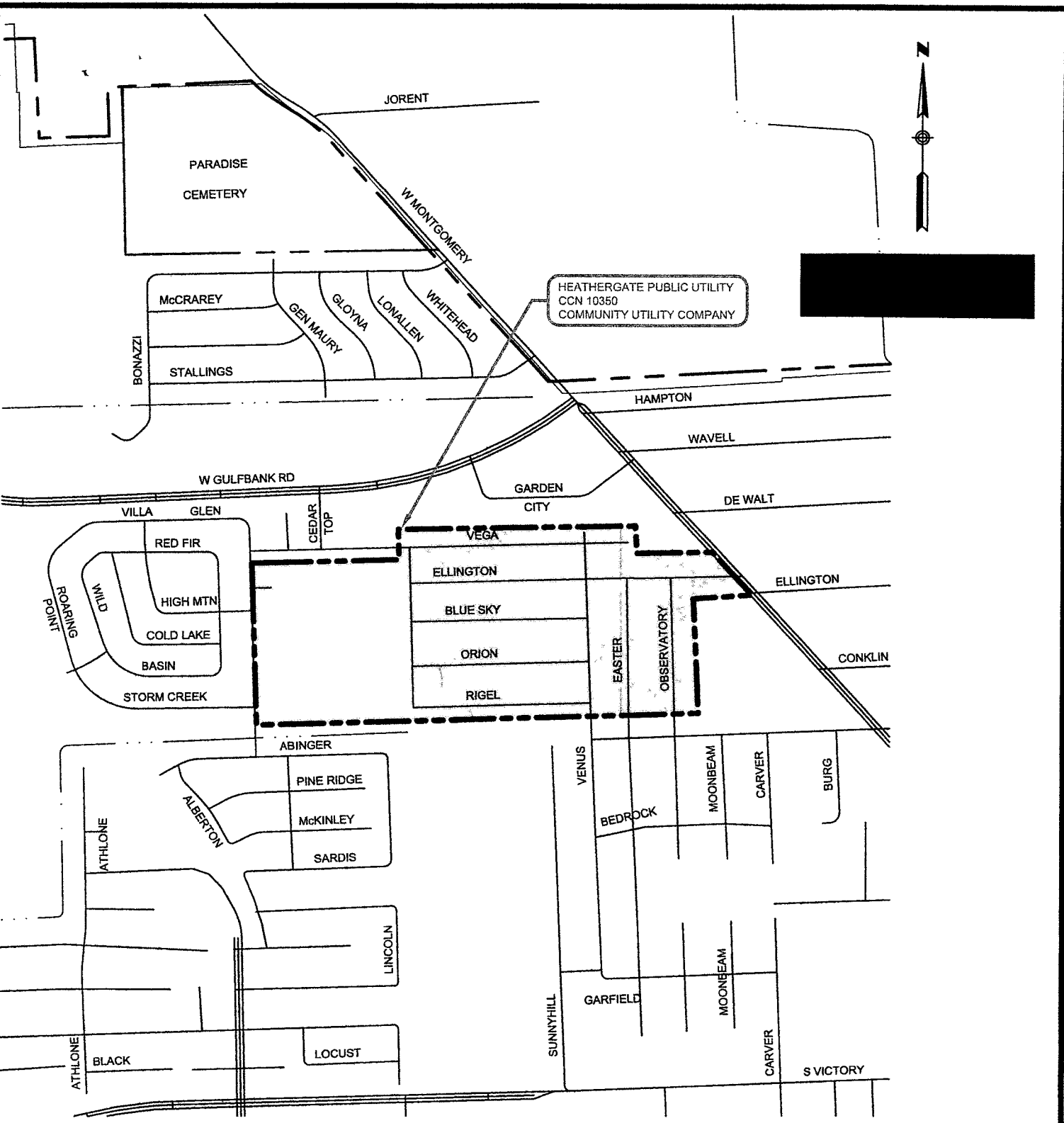
## CCN AMENDMENT APPLICATION

### FOREST TRAILS LARGE SCALE MAP

**COMMUNITY UTILITY COMPANY**  
HARRIS AND MONTGOMERY COUNTIES, TEXAS



**Southwest Engineers, Inc.**  
Civil - Environmental - Planning  
Gonzales Austin  
www.swengineers.com  
TBPE No. F-1909



HEATHERGATE PUBLIC UTILITY  
CCN 10350  
COMMUNITY UTILITY COMPANY

**WARNING**  
IF THIS BAR DOES NOT  
MEASURE 1", THE  
DRAWING IS NOT TO  
SCALE

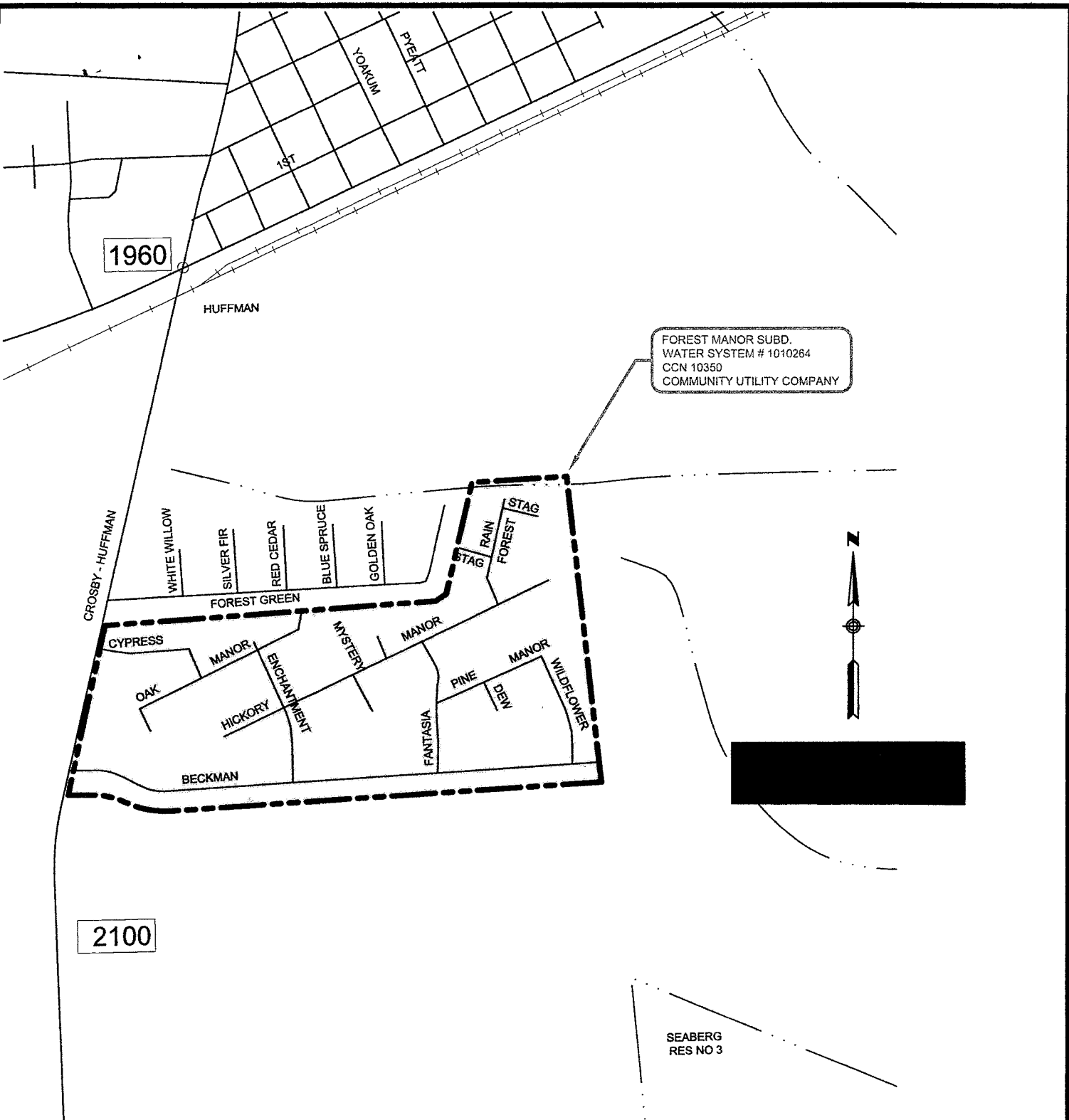
**CCN AMENDMENT APPLICATION**  
**HEATHERGATE PUBLIC UTILITY COMPANY LARGE SCALE MAP**

**COMMUNITY UTILITY COMPANY**  
HARRIS AND MONTGOMERY COUNTIES, TEXAS



**Southwest Engineers, Inc.**  
Civil - Environmental - Planning  
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**CCN AMENDMENT APPLICATION**  
**FOREST MANOR SUBDIVISION LARGE SCALE MAP**

**COMMUNITY UTILITY COMPANY**  
HARRIS AND MONTGOMERY COUNTIES, TEXAS



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