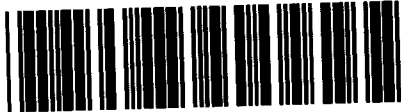


Control Number: 44001



Item Number: 20

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

44001

RECEIVED

To: Administrative Reviewer

2014 DEC 22 AM 7:34  
Date Complete: December 20, 2011

From: Cartographer-Utilities & Districts Section  
PUBLIC UTILITY COMMISSION  
FILING CLERK

Subject: Overlap & Notice Check for Administrative Review No. A-107-11/37160-11  
Community Utility Company (10350) to amend and to also decertify in Harris and  
Montgomery counties

1. No new overlap of service areas exists.
2. An overlap:
3. Dual certification:
4. An overlap exists with the city limits of:
5. If this is a Sale, Transfer, or Merger, is additional area being requested?
7. Map submitted is digital request digital data.
9. Utility notice was sufficient.
10. Utility notice was insufficient. In addition to those systems listed in the application, they will also need to notify:

TWO MILES:

All cities and etj's within 2 miles of proposed area

11. Notice: **DO NOT NOTICE**

X 12. Other comments: **Maps do not meet requirements. Please submit the following. (application states amend and decertify, no maps labeled what to decertify. maps should be clearly labeled with intent (amend/decertify), maps should show only proposed CCN no existing unless decertifying, no facility maps)**

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- B. A map showing only the proposed area by:
  - i. metes and bounds survey certified by a licensed state or register professional land surveyor; or
  - ii. projectable digital data with metadata (proposed areas should be in a single record and clearly labeled). Also, a data disk labeled with the applicant's name must be

To: Administrative Reviewer

Date Complete: October 13, 2011

From: Cartographer-Utilities & Districts Section

Subject: Overlap & Notice Check for Administrative Review No. A-107-11/37160-11  
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To: Administrative Reviewer

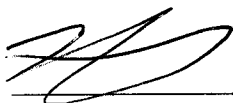
Date Complete: January 20, 2012

From: Cartographer-Utilities & Districts Section

Subject: Overlap & Notice Check for Administrative Review No. A-107-11/37160-11  
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All cities and etj's within 2 miles of proposed area
11. Notice: **DO NOT NOTICE**
- X 12. Other comments: **Maps do not meet requirements. Please submit the following.**  
**(data for both the decertify areas is not corrupt in some way and not usable)**

i.



Kent Steelman

**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

January 18, 2012

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

RECEIVED  
TCEQ  
WATER SUPPLY DIV.  
2012 JUN 18 AM 11 46

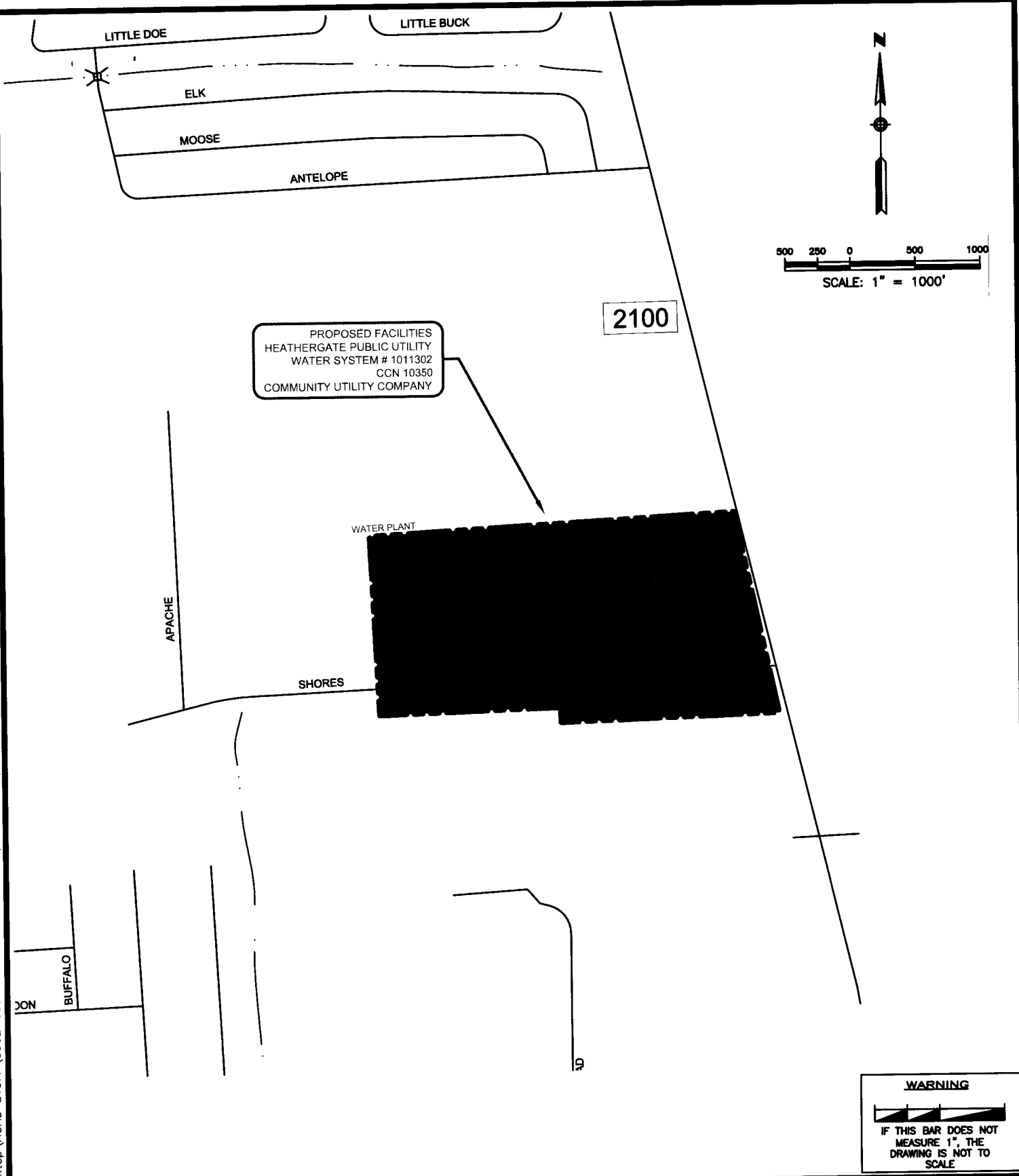
Re: Application from Mitchell M. Martin d.b.a. Community Utility Company (Community) to Amend and Decertify portions of the Water Certificate of Convenience and Necessity (CCN) of, CCN Number 10350, in Harris and Montgomery Counties; Application No. 37160-C

Dear Ms. Blaschke:

Per your Notice of Deficiency letter of October 27, 2011 and various discussions with your staff, enclosed please find the following revised maps to meet the mapping requirements for the CCN amend application:

1. Four copies of the proposed service area for the Heathergate system: PWS #1011302.
2. Four copies of the facility's map for the Heathergate system: PWS #1011302.
3. Four copies of a general location map of the proposed service area for the Heathergate system: PWS #1011302.
4. A CD, labeled Peach Creek Oaks, which contains the digital data for the proposed Heathergate system's service area.
5. Four copies of a general location map of the proposed decertified Forest Trails service area.
6. A CD, labeled Forest Trails, which contains the digital data for the proposed decertified Forest Trail service area.
7. Four copies of a general location map of the proposed decertified Heathergate Public Utility service area.

C:\Users\ThomasB.SWE\Desktop\ACAD STUFF\0362-006-10 2011 TWDB DWSRF\Work In Progress\CCN Amendment\APP-LARGE SCALE-CCN-Community.dwg Thu, Jan 12, 2012, 9:57am



**FACILITY MAP**  
**HEATHERGATE PUBLIC UTILITY COMPANY**

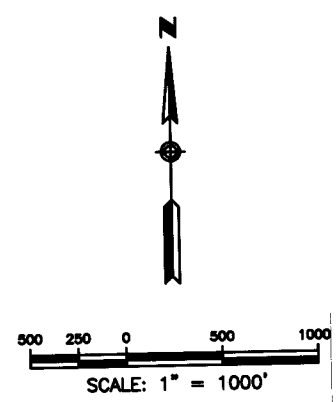
**COMMUNITY UTILITY COMPANY**  
HARRIS AND MONTGOMERY COUNTIES, TEXAS



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

C:\Users\ThomasB.SWE\Desktop\ACAD STUFF\0362-006-10 2011 TWDB DWSRF\Work In Progress\CCN Amendment\APP-LARGE SCALE-CCN-Community.dwg Thu, Jan 12, 2012, 9:56am

LITTLE DOE  
LITTLE BUCK  
ELK  
MOOSE  
ANTELOPE

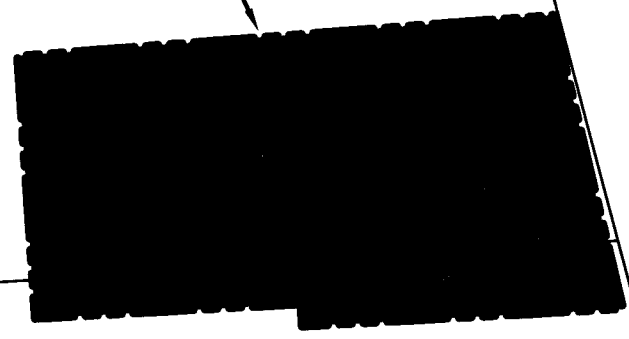


2100

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


APACHE

SHORES



2012 JUN 18 PM 11:47  
1011302  
1011302  
1011302

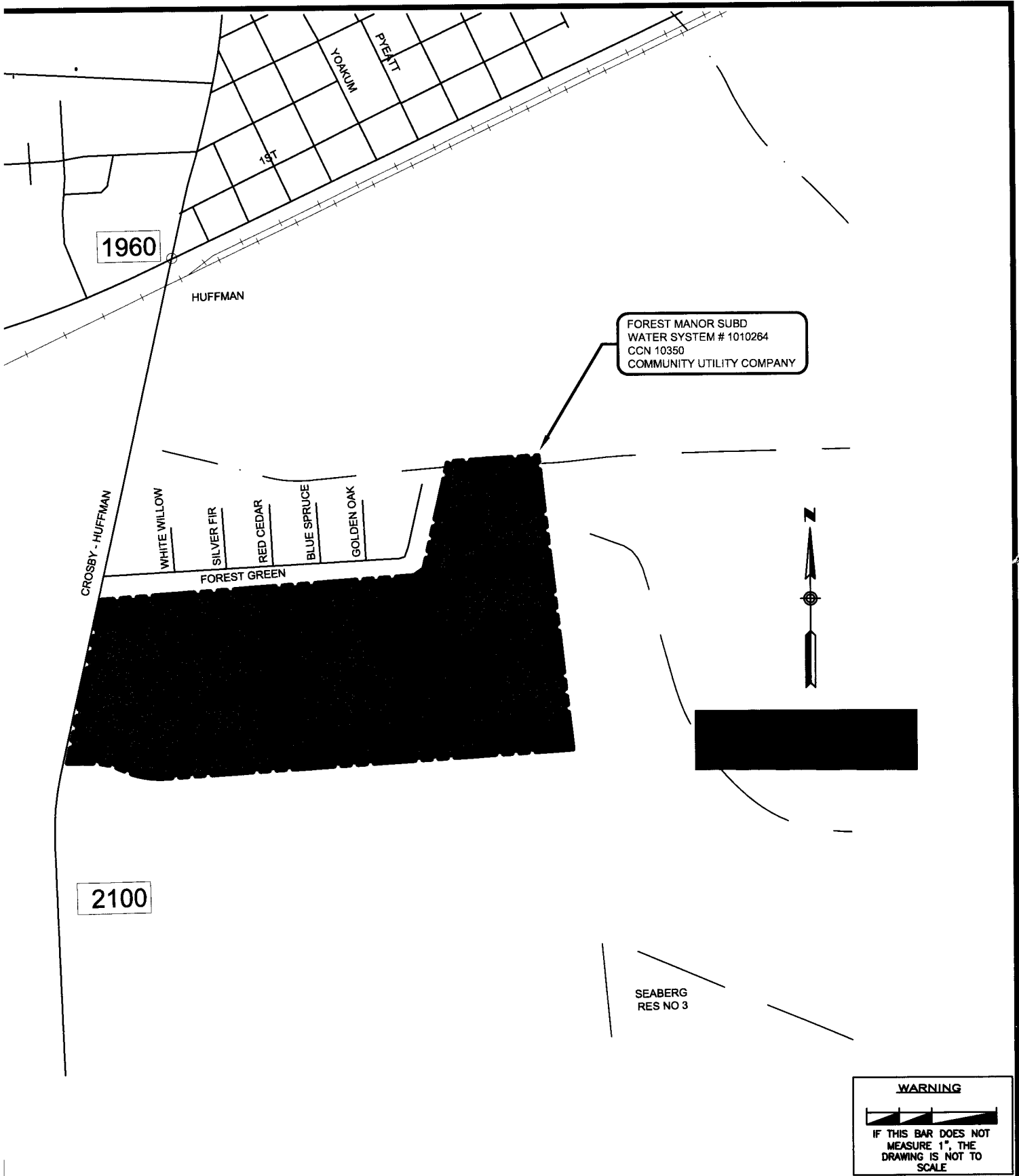
CON  
BUFFALO

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

**PROPOSED CCN AREA**  
HEATHERGATE PUBLIC UTILITY COMPANY

**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**  
**FOREST MANOR SUBDIVISION 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



**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

January 13, 2012

Ms. Karen Blaschke  
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 and Decertify portions of the Water Certificate of Convenience and Necessity (CCN) of, CCN Number 10350, in Harris and Montgomery Counties; Application No. 37160-C

Dear Ms. Blaschke:

Per your Notice of Deficiency letter of October 27, 2011, enclosed please find four copies of Community's 2010 Annual Report. Revised maps were submitted to you on December 6, 2011. Jerry Sheppard, with Southwest Engineers, Inc. is working with your mapping department to resolve the minor issues that remain with the revised maps submitted.

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

2012 JAN 13 AM 11 20

WATER SUPPLY DIV.

TOED

RECEIVED

## **WRITTEN DESCRIPTION OF PROPOSED CCN AREA**

Community Utility Company CCN Amendment Application No. 37160-C

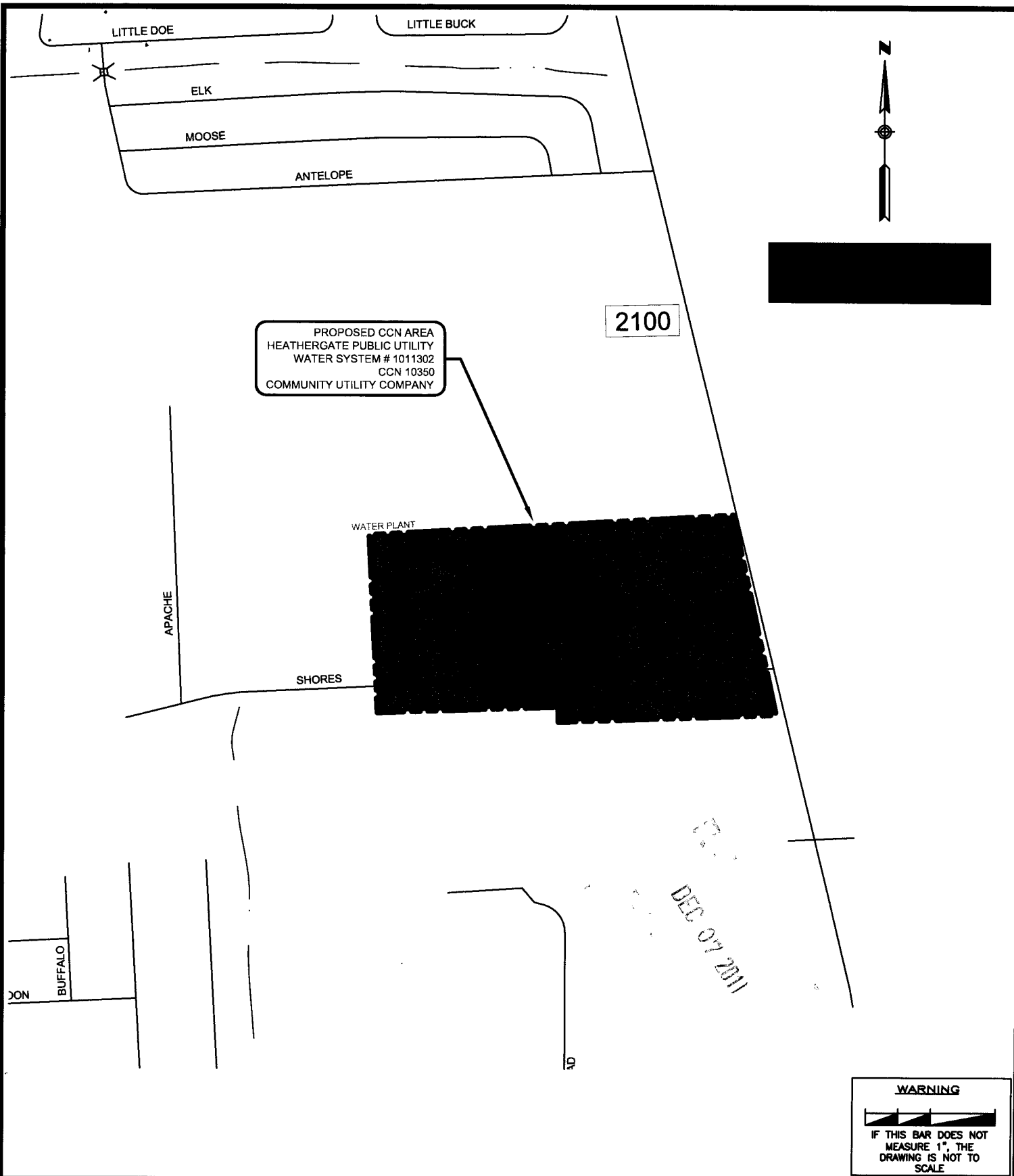
CN: 603180696 RN: 101458933

The Proposed CCN Area encompasses the entire 128-lot Heathergate Estates Subdivision located on the west side of Farm-to-Market 2100 (Crosby Huffman Road), approximately 3½ miles south of Huffman, Texas and approximately 4½ miles north of Crosby, Texas in Harris County.

The subdivision is roughly bounded on the east by FM 2100 (Crosby Huffman Road), on the south by Indian Shores Road, on the west by Berry Thicket Lane and on the north by Heather Gate Lane.

The subdivision is provided potable water service by Heathergate Utility Company (Public Water System ID #1011302 ), who currently services 104 active connections with a water plant facility that consists of a 48 gallon per minute (gpm) water well and a 4,300-gallon pressure tank.

C:\Users\ThomasB.SWE\Desktop\ACAD STUFF\0362-006-10 2011 TWDB DWSRF\Work In Progress\CCN Amendment\APP-LARGE SCALE-CCN-Community.dwg Fri, Nov 18, 2011, 1:44pm



**PROPOSED CCN AREA**  
**HEATHERGATE PUBLIC UTILITY COMPANY**

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

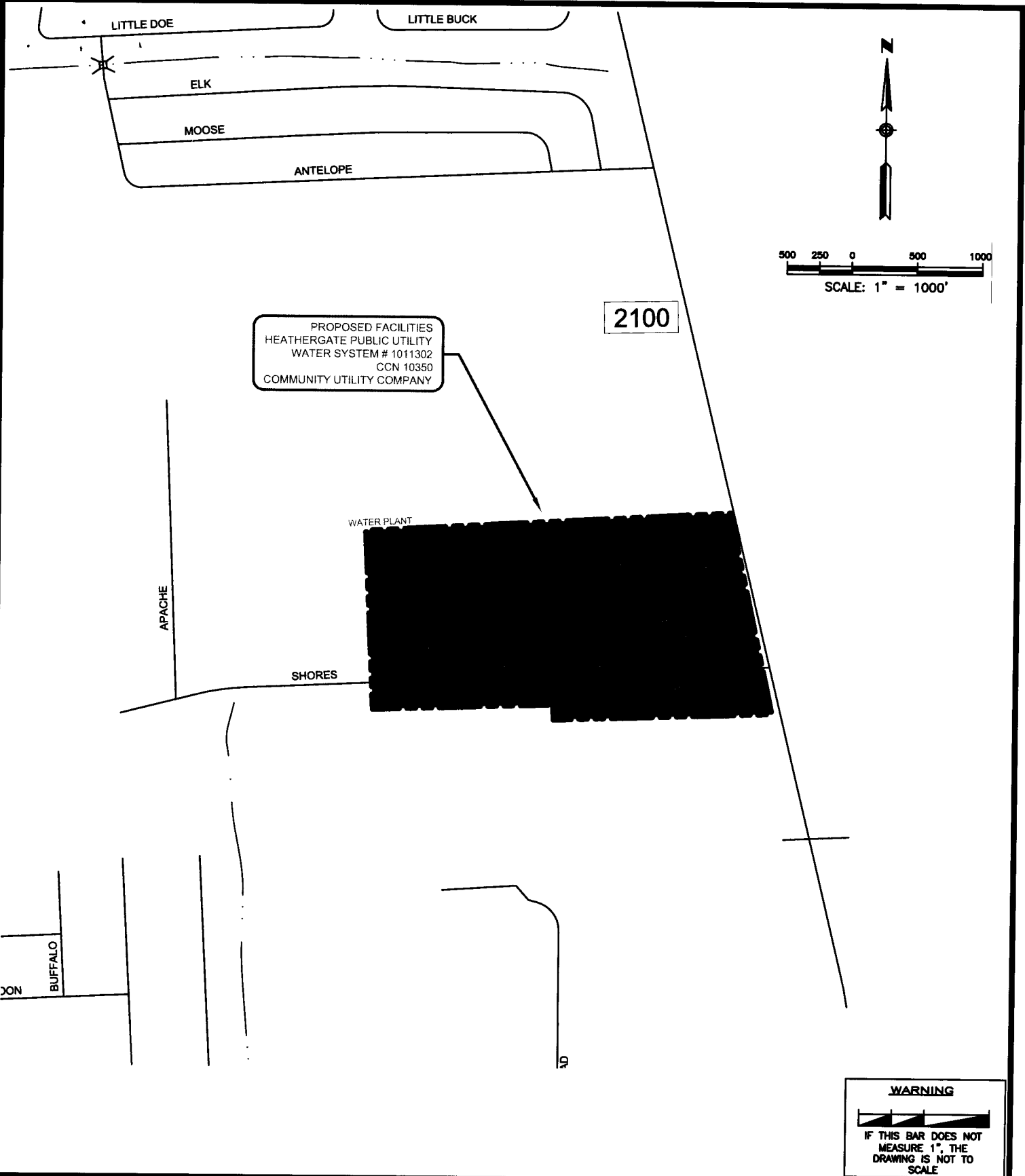


**Southwest Engineers, Inc.**

Civil - Environmental - Planning  
Gonzales Austin

www.swengineers.com  
TBPE No. F-1909

2011 mod draw work in progress CCN Amendment VAPP--LARGE SCALE--CCN--Community.dwg Thu, Jan 12, 9:57am



**FACILITY MAP**  
**HEATHERGATE PUBLIC UTILITY COMPANY**

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

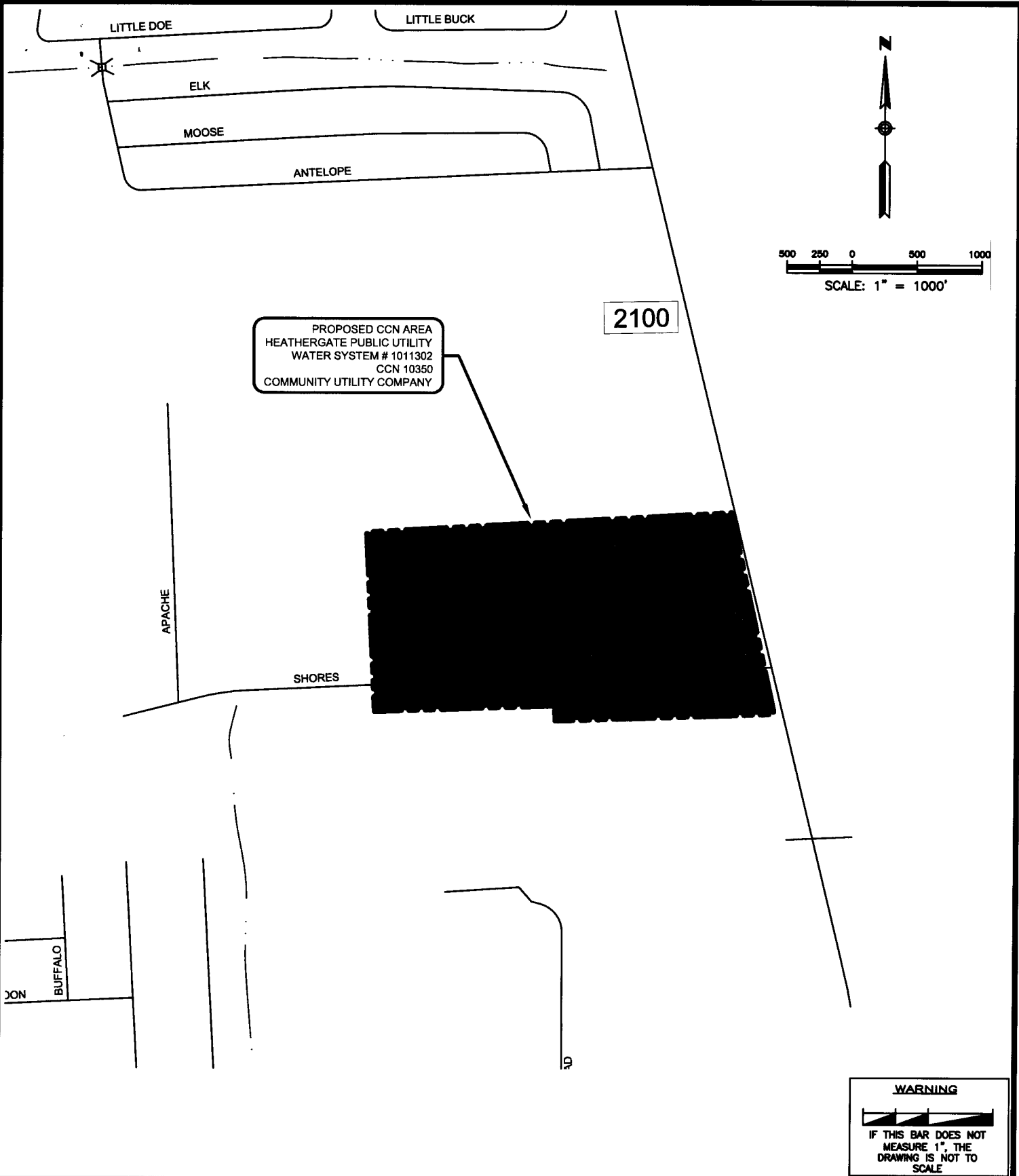


**Southwest Engineers, Inc.**

Civil - Environmental - Planning  
Gonzales Austin

www.swengineers.com  
TBPE No. F-1909

C:\Users\jmorris\OneDrive\Documents\Work in Progress\CCN Amendment\APP-LARGE SCALE-CCN-Community.dwg Thu, Jan 12, 9:56am



**PROPOSED CCN AREA**  
**HEATHERGATE PUBLIC UTILITY COMPANY**

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



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

To: Administrative Reviewer

Date Complete: December 20, 2011

From: Cartographer-Utilities & Districts Section

Subject: Overlap & Notice Check for Administrative Review No. A-107-11/37160-11  
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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)

December 6, 2011

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

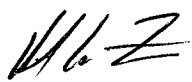
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Dear Ms. Blaschke:

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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

RECEIVED  
DEC 07 2011  
TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

To: Administrative Reviewer

Date Complete: October 13, 2011

From: Cartographer-Utilities & Districts Section

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

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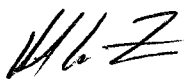
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B & D Environmental, Inc.

Enclosures

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DEC 07 2011  
TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

## **WRITTEN DESCRIPTION OF PROPOSED CCN AREA**

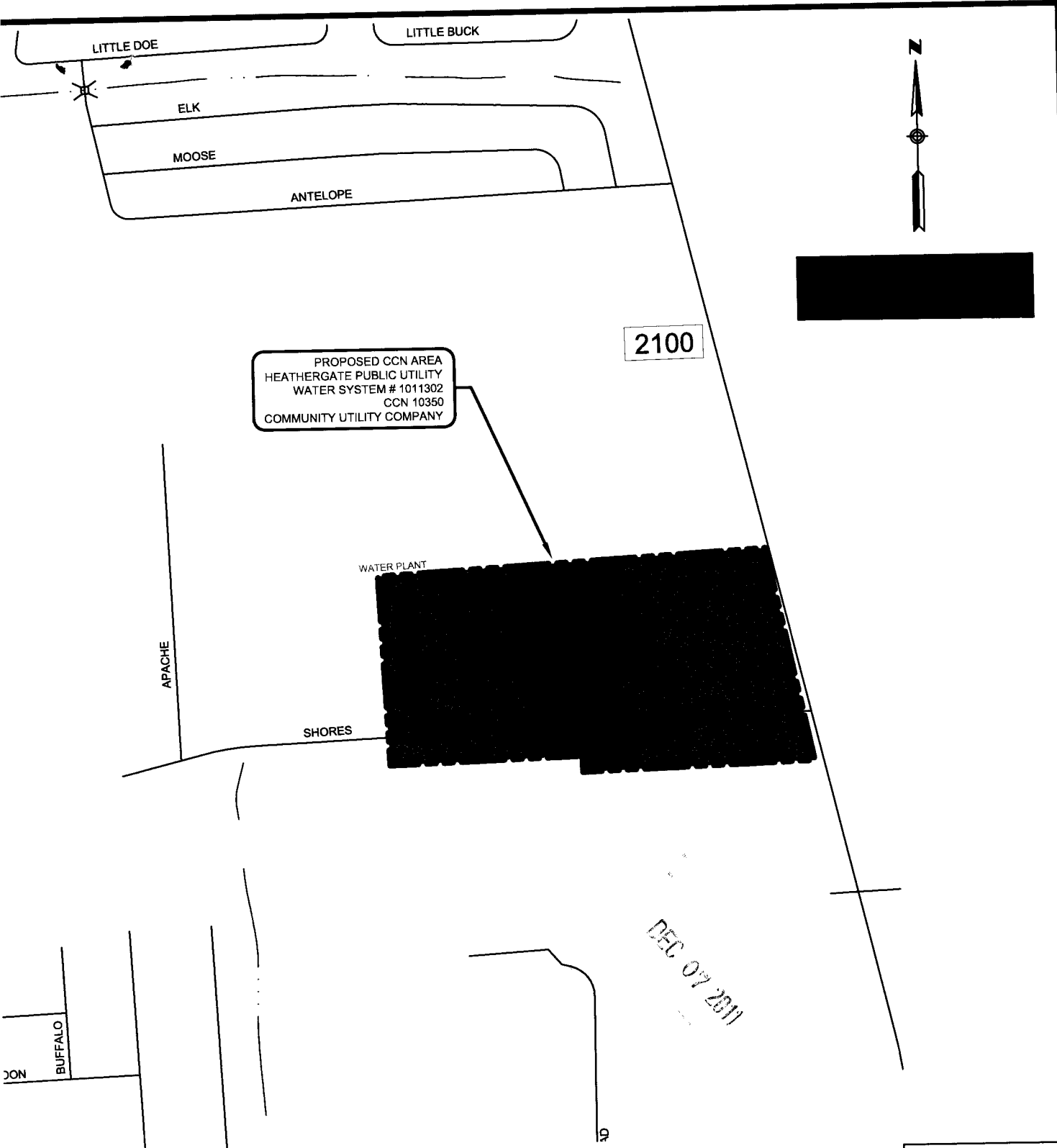
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CN: 603180696 RN: 101458933

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**PROPOSED CCN AREA**  
HEATHERGATE PUBLIC UTILITY COMPANY

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



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

**WARNING**



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

## Kent Steelman

---

**From:** Bret Fenner [bretfenner@yahoo.com]  
**Sent:** Friday, April 13, 2012 10:13 AM  
**To:** Lisa Fuentes  
**Cc:** Karen Blaschke; Kent Steelman  
**Subject:** Re: App. No. 37266-C, Community

Lisa,

The Forest Manor service area is being amended to include all area currently being served. I believe the service area being requested is along Beckman Street.

Bret

---

**From:** Lisa Fuentes <[lisa.fuentes@tceq.texas.gov](mailto:lisa.fuentes@tceq.texas.gov)>  
**To:** Bret Fenner <[bretfenner@yahoo.com](mailto:bretfenner@yahoo.com)>  
**Cc:** Karen Blaschke <[karen.blaschke@tceq.texas.gov](mailto:karen.blaschke@tceq.texas.gov)>; Kent Steelman <[kent.steelman@tceq.texas.gov](mailto:kent.steelman@tceq.texas.gov)>  
**Sent:** Thursday, April 12, 2012 1:56 PM  
**Subject:** App. No. 37266-C, Community

Hi Bret,  
On the Community application again, in the data you identify "old Forest Manor" which is different from "amended" Forest Manor.  
What is the intent regarding this area.  
Thanks,  
Lisa

Lisa Fuentes  
Team Leader  
Utilities Financial Review Team  
Water Supply Division  
512/239-6117  
512/239-6972 fax

LAYER	CCN_DESC
CCN-WATR-COMMUNITY-PROPOSED	Amended Heathergate
CCN-WATR-COMMUNITY-PROPOSED	Amended Forest Manor

LAYER	CCN_DESC
CCN-WATR-COMMUNITY	Decert Forest Trails
CCN-WATR-COMMUNITY	OLD Heathergate
CCN-WATR-COMMUNITY	OLD Forest Manor

## Kent Steelman

---

**From:** Bret Fenner [bretfenner@yahoo.com]  
**Sent:** Wednesday, April 11, 2012 11:09 AM  
**To:** Lisa Fuentes  
**Cc:** Kent Steelman; Karen Blaschke  
**Subject:** Re: Scanned image from MX-M453N

Lisa,

The reason that Sweetgum was not included is that no CCN service area changes are being requested in this system. We have never submitted for any changes in the service area for Sweetgum.

Thanks Bret

---

**From:** Lisa Fuentes <lisa.fuentes@tceq.texas.gov>  
**To:** Bret Fenner <bretfenner@yahoo.com>  
**Cc:** Kent Steelman <kent.steelman@tceq.texas.gov>; Karen Blaschke <karen.blaschke@tceq.texas.gov>  
**Sent:** Wednesday, April 11, 2012 10:02 AM  
**Subject:** FW: Scanned image from MX-M453N

Hi Bret,

Attached is a map that was included in your most recent version of the Community application, 37266-C. This map has no digital data to accompany it and we are unsure of the intent. Please reply and let us know if this map was inadvertently submitted with the application or if intentionally submitted, when we will receive digital data.

Thanks for your help,

Lisa

-----Original Message-----

**From:** irgw55@tceq.state.tx.us [mailto:irgw55@tceq.state.tx.us]  
**Sent:** Wednesday, April 11, 2012 9:54 AM  
**To:** Lisa Fuentes  
**Subject:** Scanned image from MX-M453N

**Reply to:** irgw55@tceq.state.tx.us <irgw55@tceq.state.tx.us> Device Name: Not Set Device Model: MX-M453N

Location: Not Set

File Format: PDF MMR(G4)

Resolution: 200dpi x 200dpi

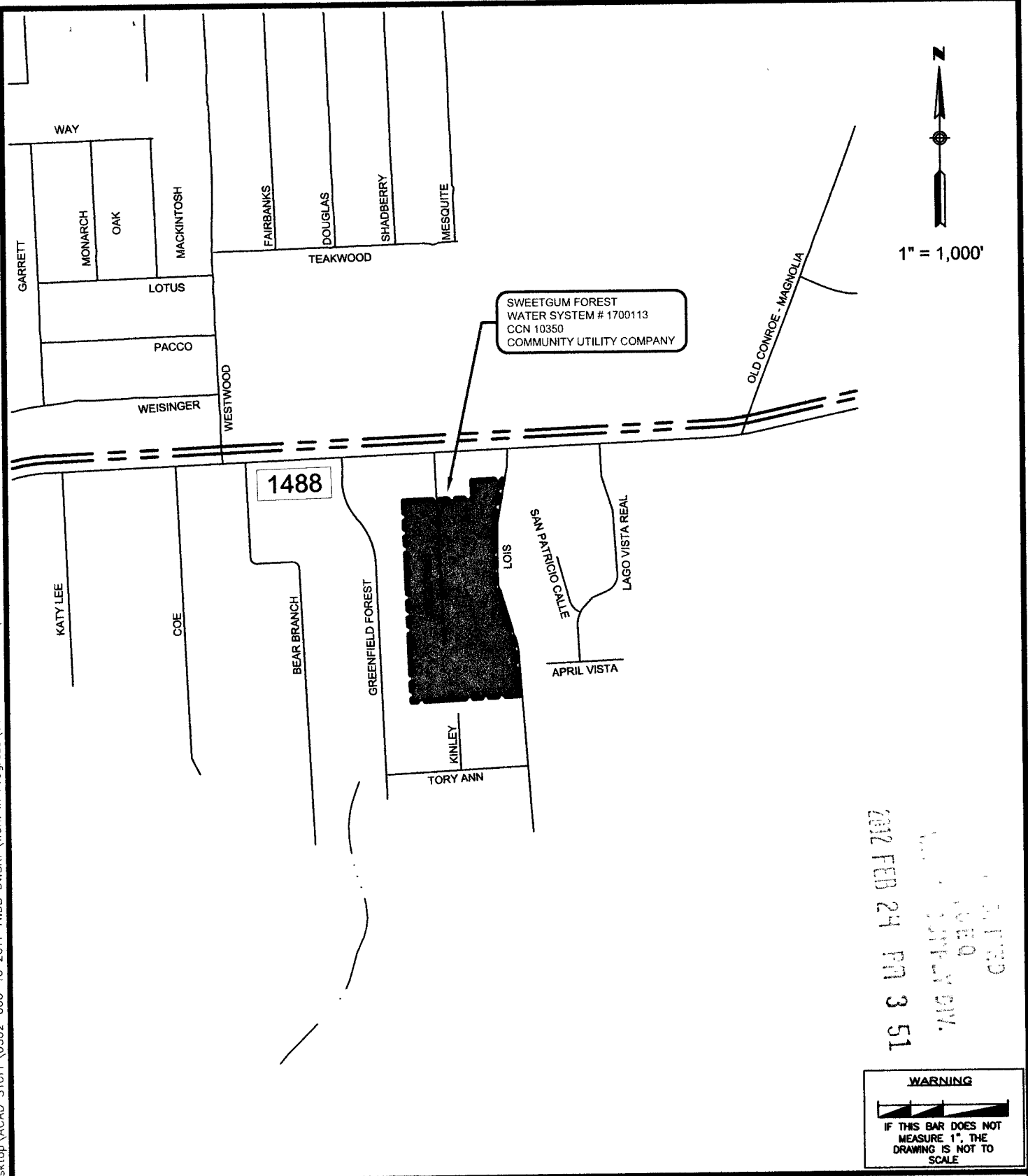
Attached file is scanned image in PDF format.

Use Acrobat(R)Reader(R) or Adobe(R)Reader(R) of Adobe Systems Incorporated to view the document. Adobe(R)Reader(R) can be downloaded from the following URL:

Adobe, the Adobe logo, Acrobat, the Adobe PDF logo, and Reader are registered trademarks or trademarks of Adobe Systems Incorporated in the United States and other countries.

<http://www.adobe.com/>

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, 10:08am



**CCN AMENDMENT APPLICATION**  
**SWEETGUM FOREST 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



Bryan W. Shaw, Ph.D., *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 06, 2012

### **BY CERTIFIED MAIL**

Mr. Bret W. Fenner, P.E.  
B & D Environmental, Inc.  
P.O. Box 500264  
Austin, Texas 78750

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

CN: 603180696; RN: 101458933

Dear Mr. Fenner:

The above referenced application has been accepted for filing. Thank you for providing the items we requested with your July 16, 2012. Ms. Elizabeth Flores has been assigned to perform the technical review.

Your next step is to provide the **revised** public notices without delay. The notice to the public must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Harris and Montgomery Counties. **It is the responsibility of the applicant to provide correct notice** of the application to any utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of your proposed service area, any city with an extraterritorial jurisdiction which overlaps the proposed service area or other affected parties in your requested area. **You will also be required to provide mailed notice to all landowners with more than 25 acres in your proposed CCN area pursuant to TCEQ 30 TAC Chapter 291 Rules adopted on January 5, 2006. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies.** Check the notices carefully before mailing or publishing.

A review of our files and maps indicates that, in addition to the neighboring utilities noted on your application, **you must provide notice to the following entities:**

TWO MILES:  
Blue Bell Manor Utility (10963)  
SCF Water Company (13074)

Mr. Bret Fenner, P.E.

Page 3

August 06, 2012

- b) four copies of each individual notice and map sent to neighboring utilities and affected parties;
- c) one copy of the landowner notice and map sent to **each landowner**; and
- d) an original and three copies of the signed affidavits that individual notice to neighboring utilities, affected individuals **and each landowner** has been given. (Copies of the Affidavit forms are enclosed with this letter.)

Please be sure to include a map showing the proposed service area with your 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.

Additional financial or technical information may also be requested through future correspondence.

These items must be completed and returned to our office by **September 06, 2012**. Processing of this application cannot proceed until the close of the 30 day public comment period which begins after all the required notices has been given. If we do not receive the requested information by this date, your application will be returned for failure to prosecute.

If you have any questions, please contact Mr. Elizabeth Flores at 512/239-6846, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,



Tammy Benter, Manager  
Utilities & Districts Section  
Water Supply Division  
Texas Commission on Environmental Quality

TB/KN/om

Enclosures: as stated

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## Revenue and Regulatory Assessment Report For PUBLIC UTILITY

UTILITY: COMMUNITY UTILITY COMPANY

ACCOUNT: 10350

Revenue and Regulatory Assessment Report for the Calendar Year 2011	
1. Enter total revenues from retail water and sewer service in year 2011	1. 122,239.22
2. Enter amount collected OR multiply item 1 by 0.01	2. 1,222.39
3. Late payment penalty: 5% - If paid after January 30th and before March 1st - multiply line 2 by 0.05 10% - If paid after March 1st - multiply line 2 by 0.10	3. 122.24
4. Late payment interest, 1% per month if paid after March 31st: a. Multiply line 2 by 0.01 = monthly interest due, then b. Multiply monthly interest due by the number of months payment is made after March 31, rounded to the nearest month.	4. 48.88
5. Amount due and payable (Add lines 2, 3, and 4).	5. 1,393.51

☐ Please note if the utility was inactive for more than a month during the year or experienced other circumstances which affected revenues (attach an additional page if necessary):

I declare that the above information is true and correct to the best of my knowledge and belief.

Signature [Signature] Date 7/11/12  
Preparer's name Michael Martin Phone number 281-444-7747  
(Please Print)

VIPP Form WC04C5 / TCEQ-20098

Calendar Year 2011

### REVENUE & REGULATORY ASSESSMENT REPORT

For PUBLIC UTILITY

PLEASE RETURN ENTIRE ORIGINAL FORM  
WITH CHECK OR MONEY ORDER PAYABLE TO:

**TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

AMOUNT ENCLOSED	ACCOUNT NO.
	10350

☐ CHECK HERE IF YOUR ADDRESS OR YOUR PHONE NUMBER HAVE CHANGED. PLEASE INDICATE ADDRESS OR PHONE NUMBER CHANGE ON BACK.

**PAYMENTS NOT RECEIVED BY JANUARY 30,  
WILL RECEIVE A NOTICE OF VIOLATION**

COMMUNITY UTILITY COMPANY

PO BOX 58

SPRING, TX 77383-0058

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