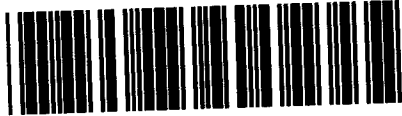


Control Number: 44001



Item Number: 21

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
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

J:\AUDS\CCN STM37266-C, Community Utility Company (notices).docx
2014 DEC 22 AM 7:35 Application No. 37266-C

PUBLIC UTILITY COMMISSION

Notice for Publication

**NOTICE OF APPLICATION FOR MITCHELL M MARTIN dba
COMMUNITY UTILITY COMPANY TO AMEND 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 to also decertify 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.

J:\UDS\CCN STM37266-C, Community Utility Company (notices).docx

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

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.

J:\UDS\CCN STM\37266-C, Community Utility Company (notices).docx
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.

Notice to Neighboring Systems, Landowners and Cities

**NOTICE OF APPLICATION FOR MITCHELL M MARTIN dba
COMMUNITY UTILITY COMPANY TO AMEND 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 to also decertify 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.

J:\UDS\CCN STM\37266-C, Community Utility Company (notices).docx

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

J:\UDS\CCN STM\37266-C, Community Utility Company (notices).docx
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.

Notice to Customers of IOUs in Proposed Area

**NOTICE OF APPLICATION FOR MITCHELL M MARTIN dba
COMMUNITY UTILITY COMPANY TO AMEND 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 to also decertify 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

The current utility rates which were first effective on September 1, 2009 are:

- Monthly Flat Rate of \$n/a per connection
- OR-
- Monthly Base Rate including 0 gallons per connection for:
 - 5/8" meter \$ 29.57
 - 1" meter \$ 73.93
 - 1½" meter \$ 147.85
 - 2" meter \$ 236.56
 - Other 3" meter \$ 433.55
 - Other 4" meter \$ 650.54

Gallonge charge of \$ 2.67 per 1,000 gallons above minimum (same for all meter sizes)

Miscellaneous Fees

-Regulatory Assessment		1%
-Tap Fee (Average Actual Cost)	\$ <u>600</u>	
-Reconnection fee:	\$ <u>25</u>	
-Non Payment (\$25.00 max)	\$ <u>25</u>	
-Transfer	\$ <u>35</u>	
-Customer's request	\$ <u>50</u>	
-Late fee	10%	
-Returned Check charge	\$ <u>25</u>	
-Customer Deposit (\$50.00 max)		
-Meter test fee (Actual Cost not exceed \$25.00)	\$ <u>25</u>	

Your utility service rates and fees cannot be changed by this application. If you are currently paying rates, those rates must remain in effect unchanged. Rates may only be increased if the utility files and gives notice of a separate rate change application.

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

J:\UDS\CCN STM\37266-C, Community Utility Company (notices).docx
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.

44001

J:\UDS\CCN STM\37266-C, Community Utility Company (acceptance ltr).docx

Kristy Nguyen____
Elizabeth Flores____
Lisa Fuentes____

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 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

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)
- Champ's Water Company (10972)
- Quadvest (11612)

J:\UDS\CCN STM\37266-C, Community Utility Company (acceptance
ltr).docx

J&S Water Co. (12085)
Aqua Texas (13203)
Sunbelt FWSD (10833)
Southern Water Corp (11389)
Consumers Water (10347)
Crystal Springs Water (11373)
Orchard Crossing (12671)
MBC Water Systems (proposed)
Coastal Water Authority
East Montgomery Co Improvement District
East Montgomery Co MUD 3
Forest Hills MUD
Gulf Coast Waste Disposal Authority
Harris Co FWSD 58
Harris Co Flood Control District
Harris Co MUD 118
Harris Co MUD 119
Harris Co MUD 19
Harris Co MUD 220
Harris Co MUD 518
Harris Co MUD 91
Harris Co WCID 70
Mount Houston Road MUD
Near Northwest Management District
North Harris Co Regional Water Authority
Port of Houston Authority
Robin PUD
San Jacinto River Authority
Spanish Cove PUD
Sunbelt FWSD
Harris County
Montgomery County
Lone Star GCD
Harris Galveston Subsidence District
All cities and etj's within 2 miles of proposed area

Information related to utilities and districts including addresses can be obtained
from the TCEQ web site located at www10.tceq.tx.us/iwud/.

As proof that notice was provided, you are required to send us the following:

- a) an original and three copies of a publisher's affidavit of the newspaper publication with tear sheets of the published notice attached;
- 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**

J:\UDS\CCN STM\37266-C, Community Utility Company (acceptance ltr).docx

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 **August 24, 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/

Enclosures: as stated

J:\UDS\CCN STM\37266-C, Community Utility Company (acceptance
ltr).docx

Bcc: TCEQ Region 12 Office