

Control Number: 44001



Item Number: 39

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

EF

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
INTEROFFICE MEMORANDUM

2014 DEC 22 AM 7:41
DATE: September 15, 2008

PUBLIC UTILITY COMMISSION
FILING CLERK

TO: LaDonna Castanuela, Chief Clerk

THRU: ^{DA} Doug Holcomb, P.E., Section Manager
^{9/16} Utilities and Districts Section
Water Supply Division

^{9/16/08}
^{JB} Tammy Benter, Team Leader
Utilities Financial Review Team
Water Supply Division

^{2P}
^{9/16/08} Vera Poe, P.E., Team Leader
Utilities Technical Review Team
Water Supply Division

FROM: ^{JB} Elizabeth Flores
^{9/16/08} Utilities Financial Review Team
Water Supply Division

^{HG}
⁹⁻¹⁶⁻⁰⁸ Heidi Graham, E.I.T
Utilities Technical Review Team
Water Supply Division

SUBJECT: Docket No. 2008-1463-UCR; Protest of the application for a Water Rate/Tariff Change of Community Utility Company, Certificate of Convenience and Necessity (CCN) No. 10350, in Harris, and Montgomery Counties; Application No. 36103-R

CN: 603180696; RN: 101458933

We hereby transfer the official file for the above referenced application to the Chief Clerk's Office. Please refer this application to the State Office of Administrative Hearings (SOAH) and request that a hearing be scheduled.

We received this rate change application on June 30, 2008. The effective date of the rate increase was September 1, 2008, and the deadline for customer protests is November 30, 2008. We have received 35 complaints from a total of 215 water customers, which exceeds the minimum requirement of 10%. Staff estimates 20 people to attend the hearing. The Executive Director requests that the hearing be held in Harris County per Texas Water code Section 13.197(f).

Attached is a mailing list for this application.

The staff assigned to this case are:

Technical - Heidi Graham

Financial - Elizabeth Flores

Legal - Ruth / Stefanie

✓
10/21/08

If we may be of further service regarding this matter, please call.

Tammy Benter
Tammy Benter, Team Leader

TB/EF/KA/as

cc: TCEQ Public Interest Counsel; ATTN: Vic McWherter
TCEQ Agency Communications; ATTN: Andy Saenz, Director
TCEQ Chief Clerk's Office; ATTN: Deanna Avalos, SOAH Docket Clerk
TCEQ Legal Office; ATTN: Todd Galiga

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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JB Tammy Benter, Team Leader
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Water Supply Division

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9/16/08 Vera Poe, P.E., Team Leader
Utilities Technical Review Team
Water Supply Division

FROM: 9/14/08
JB Elizabeth Flores
Utilities Financial Review Team
Water Supply Division

HG
9-16-08 Heidi Graham, E.I.T
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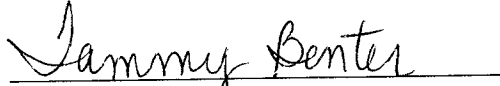
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Technical - Heidi Graham

Financial - Elizabeth Flores

Legal -

If we may be of further service regarding this matter, please call.


Tammy Benter, Team Leader

TB/EF/KA/as

cc: TCEQ Public Interest Counsel; ATTN: Vic McWherter
TCEQ Agency Communications; ATTN: Andy Saenz, Director
TCEQ Chief Clerk's Office; ATTN: Deanna Avalos, SOAH Docket Clerk
TCEQ Legal Office; ATTN: Todd Galiga

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 15, 2008

Mr. Bret W. Fenner, P.E.
B&D Environmental, Inc.
P.O. Box 90544
Austin, Texas 78709

Re: Docket No. 2008-1463-UCR; Protest of the application for a Water Rate/Tariff Change of Community Utility Company, Certificate of Convenience and Necessity (CCN) No. 10350, in Harris and Montgomery Counties; Application No. 36103-R

CN: 603180696; RN: 101458933

Dear Mr. Fenner:

On June 30, 2008, we received your notice of a water rate/tariff change. The Commission has now received 35 protests from a total of 215 water customers which is more than ten percent (10%) of your customers. Your application has been assigned Docket No. 2008-1463-UCR. Any further communication should refer to this docket number.

This matter has been referred to the State Office of Administrative Hearings for scheduling. When a hearing has been scheduled, you will receive a notice of hearing which explains when and where the hearing will be held.

In order to review this rate change request, the staff of the TCEQ may need additional information regarding your utility's cost of providing service. You may be receiving Staff Requests for Information (RFI's) within a few weeks. We would appreciate your cooperation in providing the information requested.

If you have questions about this process or what material you should bring with you to the hearing, please contact Ms. Elizabeth Flores at 512/239-6846 or Ms. Heidi Graham at 512/239-0844, by fax at 512/239-6972, by email at [eflores](mailto:eflores@tceq.state.tx.us) or hgraham@tceq.state.tx.us, or if by correspondence, include MC153 in the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "Doug Holcomb".

Doug Holcomb, P.E., Section Manager
Utilities and Districts Section
Water Supply Division

DH/EF/HS/as

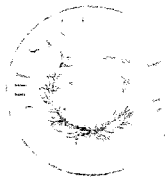
cc: TCEQ Region 12 Office

Mailing List for
Community Utility Company
Docket No. 2008-1463-UCR
(Application Nos. 36103-R)

Mr. Bret W. Fenner, P.E.
B&D Environmental, Inc.
P.O. Box 90544
Austin, Texas 78709

Representing: Community Utility Company

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 10, 2008

Mr. Bret W. Fenner, PE
Consultant/ B & D Environmental, Inc.
P.O. Box 90544
Austin, TX 78709

Re: Water Rate/Tariff Change Application of Community Utility Company, Certificate of Convenience and Necessity No. 10350 in Harris and Montgomery Counties; Application No. 36103-R

CN: 603180696; RN: 101458933

Dear Mr. Fenner:

Your rate/tariff change application for Community Utility Company received on June 30, 2008, has been accepted for filing. It has been assigned Application No. 36103-R. Please refer to this number in future correspondence.

If the Texas Commission on Environmental Quality (TCEQ) receives complaints from at least 10% of the ratepayers within 90 days of the effective date of the rate increase, or if TCEQ staff protests the actual service rates, the application will be scheduled for a hearing. You will be notified if a hearing is scheduled. If, during the course of a hearing, rates are set which are different from the rates charged by Community Utility Company, you may be required to refund or credit against future bills all sums collected during the pendency of the rate proceeding in excess of the rate finally ordered plus interest as determined by the Commission.

Your new rates for Forest Manor, Heathergate Estates, and Sweetgum Forest Subdivisions may go into effect on September 1, 2008. Your new effective date must be at least 60 days following the date your completed application is mailed to us and correct notice is mailed or delivered to the customers. The effective date of the new rates must be the first day of the billing period, and the new rates may not apply to service rendered before the effective date of the new rates. If TCEQ does not receive the required number of complaints within 90 days of the effective date, and the staff does not require a hearing, you will receive another letter from TCEQ so informing you along with your approved tariff.

If you have any further questions, please contact Ms. Elizabeth Flores at (512)239-6846, or Ms. Heidi Graham at (512) 239-0844. If by correspondence, include MC 153 in the address.

Sincerely,

A handwritten signature in cursive script that reads "Tammy Benter".

Tammy Benter, Team Leader
Utilities & Districts Section
Water Supply Division

TB/LG/AS

Checklist For Rate Change

Review Number: R - 033 - 8

36103-R
effective Date 9/1/08
Received 6/30/08
7/1/08

- ☒ Fees due (does not include Regulatory Assessment Fees)
- ☒ Original and four copies of application received (Page 20 of General Information)
- ☐ Applicant Name
- ☒ Utility Name and address
- ☒ Contact Person and address
- ☒ CCN Number(s) 10350

CN: _____ RN: _____

- ☒ Not on file with Central Registry. Core Data Form Needed.

Number of Connections: (W) _____ (S) _____

- ☒ Filing Fee (Page 20 of General Information)

<100 connections \$ 50

100-200 connections \$100

201-500 connections \$200

>500 connections \$500

[IWUD Main](#)[Districts](#)[Utilities](#)[PWS](#)[Reports](#)[Documents](#)[Maps](#)

? Utility details for COMMUNITY UTILITY COMPANY (10350)

[Affiliations](#)[Documents](#)[Site Visits](#)[Schedules](#)

Properties

CR Regulated Entity Number: **RN101458933**CCEDS Status: **NO ACTIVE NOE EXISTS**Utility Type: **WATER UTILITY**Ownership Type: **INVESTOR**Primary County: **HARRIS**County Code: **101**

Customers

Reference Number

CN603180696

Name

MARTIN, MITCHELL M

Role

RESPONSIBLE PARTY

Comments

Comment Date

06/14/2001

Text

POR DUAL DECERT TO 12625-HERITAGE OAKS POA INC

Staff Name

Occurrences retrieved.

Official Address / Phone

Address: **PO BOX 58**
SPRING, TX 77383-0000Telephone: **(281) 367-4065**

PWS for this Utility

PWS Name	PWS ID	Status	District(Number)
<u>FOREST MANOR SUBDIVISION</u>	1010264	A	
<u>HEATHERGATE PUBLIC UTILITY CO</u>	1011302	A	
<u>SWEETGUM FOREST</u>	1700113	A	

Water System occurrences retrieved.

Counties

Code**County Name****Primary**

B & D ENVIRONMENTAL, INC.
UTILITY MANAGEMENT, OPERATIONS, AND CONSULTING

P.O. Box 90544
Austin, Texas 78709

Phone: (512) 264-9124
Fax: (512) 692-1967

June 30, 2008

Mr. Doug Holcomb, P.E., Manager
Texas Commission On Environmental Quality
Water Supply Division
Utilities & Districts Section, MC-153
P. O. Box 13088
Austin, Texas 78711-3088

RECEIVED

JUL 01 2008
TEXAS COMMISSION
ON
ENVIRONMENTAL QUALITY
ENVIRONMENTAL QUALITY

Re: Rate/Tariff Change Application for Community Utility Company, Certificate of Convenience and Necessity No. 10350, in Harris and Montgomery Counties, Texas.

Dear Mr. Holcomb:

Enclosed are an original and four copies of a completed water rate/tariff change application along with appropriate attachments for Community Utility Company. A copy of the proposed notice being mailed to each customers is also included in the rate/tariff change application. Also enclosed is a Check No.1084 in the amount of \$ 200 for the filing fee.

In addition, attached is a letter from Mitchell Martin, President, regarding the payment of past due Regulatory Assessment Fees and Public Health Service Fees owed the TCEQ. Also enclosed are two checks from Community Utility Company. Check No. 1082 in the amount of \$382.81 is for payment of the utility's 2007 Regulatory Assessment Fees. Check No. 1083 in the amount of \$150.00 is for payment of the Public Health Service Fees on Account No. 91010264.

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