



Control Number: 44490



Item Number: 12

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DOCKET NO. 44490

**APPLICATION OF FOUNDERS
RESERVE COMMUNITY
ASSOCIATION, INC. FOR WATER
AND SEWER CERTIFICATES OF
CONVENIENCE AND NECESSITY
IN MONTGOMERY COUNTY**

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PUBLIC UTILITY COMMISSION

FILED OF

TEXAS

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Recommendation on Sufficiency, and would show the following:

I. BACKGROUND

On February 26, 2015, Founders Reserve Community Association, Inc. (Founders or Applicant) filed with the Commission an application (Application) to obtain new water and sewer certificates of convenience and necessity in Montgomery County, Texas.

Order No. 2 deemed the Application insufficient for filing and allowed the Applicant until April 24, 2014 to cure mapping deficiencies noted by Staff. The Applicant filed supplemental information on May 7, 2015. Order No. 4 provided that Staff would file a supplemental recommendation by June 26, 2015. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON SUFFICIENCY

As explained in the memorandum (Attachment A) of Leila Guerrero and Tracy Harbour of the Water Utilities Division, the Applicant's supplemental filing cured the Application's noted deficiencies, and Staff recommends that the Application be deemed sufficient. Attachment A also contains some instructions for providing notice. Attachment B includes the sample draft notices. Attachment C includes the sample draft affidavits of notice.

III. PROPOSED PROCEDURAL SCHEDULE

Deadline for Applicant to submit the Affidavits of Notice, the individual notice issued with the accompanying map, and the published notice.	July 24, 2015
Deadline for Staff to file an additional procedural schedule with hard deadlines ¹	August 15, 2015

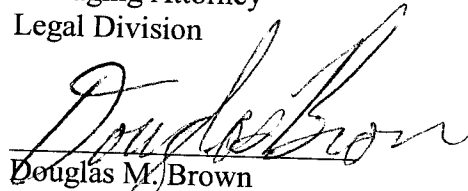
IV. CONCLUSION

Staff respectfully requests the entry of an order consistent with the above recommendation.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

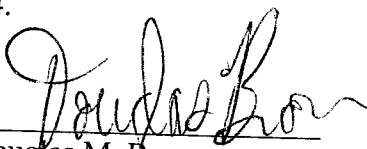
Stephen Mack
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Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

¹ After Staff receives the Affidavits of Notice, it will know the date for final disposition and be able to set other procedural deadlines appropriately.

DOCKET NO. 44490
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on June 26, 2015 in accordance with 16 Tex. Admin. Code § 22.74.



Douglas M. Brown

ATTACHMENT A

PUC Interoffice Memorandum

To: Douglas Brown, Attorney
Legal Division

Thru: Tammy Benter, Director
Water Utilities Division

From: Leila Guerrero, Regulatory Accountant/Auditor
Tracy Harbour, GIS Specialist
Water Utilities Division

Date: June 24, 2015

Subject: **Docket No. 44490**, Application of Founders Reserve Community Association, Inc., to obtain a water and a sewer Certificate of Convenience and Necessity in Montgomery County, Texas

On February 26, 2015, Founders Reserve Community Association, Inc., (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to obtain a water and sewer Certificates of Convenience and Necessity (CCNs) in Montgomery County, Texas. The application is being reviewed under the PUC's Substantive Rules in Chapter 24, §§24.102 - 24.107.

On March 26, 2015, Commission Staff filed comments that the application was not administratively complete due to mapping deficiencies. On March 31, 2015, Order No. 2 was issued, finding the application incomplete and deficient, and directed the Applicant to cure the identified mapping deficiencies by April 24, 2015.

On May 7, 2015, the Applicant submitted a hard copy map and revised digital data. Based on a review of the supplemental mapping information filed by the Applicant, Staff recommends the application be deemed sufficient for filing. Staff further recommends the following:

- 1) The Applicant be ordered to provide correct notice of the application to the following:
 - a) any districts, utilities and cities within two (2) miles of the proposed service area;
 - b) any city with an extraterritorial jurisdiction which overlaps the proposed service area;
 - c) county judge of each county;
 - d) any groundwater conservation district that is wholly or partly included in the proposed area;
 - e) 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
 - f) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Hidalgo County.
- 2) The Applicant should include copy of a map showing the proposed 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/>.
- 3) Notify the entities shown below **in addition to** the neighboring entities listed in the

application:

- Aqua Texas Inc. (13203/ 21065)
- City of Conroe (10339/ 21035)
- City of Oak Ridge North (12230)
- City of Shenandoah (13146/ 21025)
- Community Utility Company (10350)
- Consumers Water Inc. (10347)
- J & S Water Co. LLC (12085/ 20658)
- Montgomery Co. WCID 1 (13133/ 21010)
- Quadvest LP (11612)
- Timbercrest Partners LLC (11744/ 20583)
- Town of Woodloch (12312/ 20141)
- White Oak WSC (12839)
- Coastal Water Authority
- Encanto Real Utility District
- Gulf Coast Waste Disposal Authority
- Harris-Montgomery Counties MUD 386
- Harris County FCD
- Harris County Improvement District 18
- Harris County MUD 387
- Lazy River Improvement District
- Montgomery County Drainage District 6
- Montgomery County Drainage District 9
- Montgomery County Drainage District 10
- Montgomery County MUD 15
- Montgomery County MUD 19
- Montgomery County MUD 39
- Montgomery County MUD 46
- Montgomery County MUD 66
- Montgomery County MUD 68
- Montgomery County MUD 85
- Montgomery County MUD 86
- Montgomery County MUD 87
- Montgomery County MUD 95
- Montgomery County MUD 99
- Montgomery County MUD 112
- Montgomery County MUD 115
- Montgomery County MUD 138
- Montgomery County WCID 1
- North Harris County Regional Water Authority
- Northampton MUD
- Northwest Harris County MUD 19
- Oakmont Public Utility District
- Port of Houston Authority
- Rayford Road MUD
- River Plantation MUD
- San Jacinto River Authority
- Southern Montgomery County MUD
- The Woodlands MUD 2
- Town Center Improvement District
- LONE STAR GCD (District No. 544550)
- MONTGOMERY COUNTY

- 4) By July 24, 2015, submit a copy of the actual notice issued, the map issued with the individual mailed notice, tear sheets of the newspaper notice, and the signed affidavits (copies attached) indicating that notice was given.

ATTACHMENT B

Notice to Neighboring Systems, Landowners and Cities

**NOTICE OF APPLICATION TO OBTAIN CERTIFICATES OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER AND SEWER UTILITY SERVICE IN
MONTGOMERY COUNTY, TEXAS**

To: _____
(Neighboring System, Landowner or City)

Date Notice Mailed: _____, 2015

(Address)

(City State Zip)

Founders Reserve Community Association, Inc., filed an application with the Public Utility Commission of Texas to obtain Certificates of Convenience and Necessity for the provision of water and sewer utility service in Montgomery County.

The proposed utility service area is located approximately 1.4 miles west of downtown Shenandoah, Texas, and is generally bounded on the north .4 miles north of Research Forest Drive; on the east by Research Park Drive; on the south by Research Forest Drive; and on the west by New Trails Drive.

See enclosed map of the proposed service area.

The total area being requested includes approximately 13 acres and 63 current customers.

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:

Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

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 Commission 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 exclude the tract 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:

Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

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 1-512-936-7221.

Notice for Publication

NOTICE OF APPLICATION TO OBTAIN CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER AND SEWER UTILITY SERVICE IN MONTGOMERY COUNTY, TEXAS

Founders Reserve Community Association, Inc., filed an application with the Public Utility Commission of Texas to obtain Certificates of Convenience and Necessity for the provision of water and sewer utility service in Montgomery County.

The proposed utility service area is located approximately 1.4 miles west of downtown **Shenandoah**, Texas, and is **generally** bounded on the north 0.4 miles north of Research Forest Drive; on the east by Research Park Drive; on the south by Research Forest Drive; and on the west by New Trails Drive.

The total area being requested includes approximately 13 acres and 63 current customers.

A copy of the proposed service area map is available at: 5818 Beverly Hill, Houston, TX 77058.

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:

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If a public hearing is requested, the Commission 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, 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.

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Si desea informacion en Espanol, puede llamar al 1-512-936-7221

ATTACHMENT C

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NOTICE TO NEIGHBORING SYSTEMS, LANDOWNERS AND CITIES

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 _____, 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



PUBLISHER'S AFFIDAVIT
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

_____ of the _____
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas;
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

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 _____