



Control Number: 44490



Item Number: 16

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DOCKET NO. 44490

RECEIVED

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

PUBLIC UTILITY COMMISSION

2015 JUL 14 PM 2:24  
PUBLIC UTILITY COMMISSION  
FILING CLERK

TEXAS

**COMMISSION RECOMMENDATION ON SUFFICIENCY OF NOTICE ISSUED**

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. 5 deemed the Application sufficient for filing and instructed the Applicant to issue notice consistent with Staff's June 26, 2015 instructions. The Applicant filed the notices issued and affidavits of notice on August 5, 2015. Order No. 5 provided that Staff would file a supplemental recommendation by August 15, 2015. Therefore, this pleading is timely filed.

**II. RECOMMENDATION ON SUFFICIENCY OF NOTICE ISSUED**

As explained in the memorandum (Attachment A) of Leila Guerrero and Tracy Harbour of the Water Utilities Division, the Applicant did not list everyone it was instructed to notice by Staff's June 26, 2015 instructions in its affidavits of notice. The Commission also received a letter from Linda Kaye Rice on August 6, 2015 stating that she received individual notice from the Applicant but did not receive an attached map that was referenced in the notice, which Staff also instructed the Applicant to provide with each individual notice. Therefore, Staff recommends that the Applicant be ordered to issue a complete notice to those entities not receiving a notice and reissue a complete notice to the parties that received incomplete notice. Applicant should provide additional affidavits verifying compliance with notice.

#### IV. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Deadline for Applicant to submit the Affidavits of Notice and the individual notice issued with the accompanying map.	September 15, 2015
Deadline to file, comments, intervene, or request a hearing.	30 days from the issuance of notice
Deadline for Staff to file an additional procedural schedule with hard deadlines <sup>1</sup>	October 20, 2015

#### III. 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  
Managing Attorney  
Legal Division



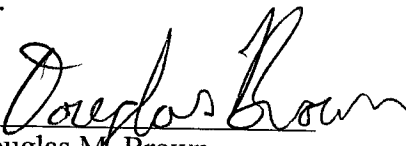
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<sup>1</sup> After Staff receives the Affidavits of Notice, it will know the date for final disposition and be able to set other procedural deadlines appropriately.

**DOCKET NO. 44490**  
**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on August 14, 2015 in accordance with 16 Tex. Admin. Code § 22.74.

  
Douglas M. Brown

# **ATTACHMENT A**

## PUC Interoffice Memorandum

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**To:** Douglas Brown, Attorney  
Legal Division

**Thru:** Tammy Benter, Director  
Lisa Fuentes, Work Leader  
Water Utilities Division

**From:** Leila Guerrero, Regulatory Accountant/Auditor  
Water Utilities Division

**Date:** August 13, 2015

**Subject:** *Docket No. 44490, Application of Founders Reserve Community Association, Inc., to obtain a water and a sewer Certificate of Rights 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. This application is being reviewed under 16 Tex. Admin. Code §§24.102 - 24.107 (TAC) and Tex. Water Code § 13.241 (TWC)

On June 26, 2015, Staff filed a recommendation deeming the application sufficient for filing and further recommended the Applicant be ordered to do provide proper public notice.

On June 29, 2015, the Commission issued Order No. 5 requiring the Applicant to file affidavit of notice by July 24, 2015.

On August 5, 2015, the Applicant filed affidavits of notice in the PUC's filing interchange. Upon review of the filed documents, Staff found that they are insufficient due to the following:

- The Applicant failed to provide notice to North Harris County Regional Water Authority, Northampton MUD, and Northwest Harris County MUD 19.

Based on the foregoing, Staff recommends that Applicant be ordered to return a copy of the actual notices sent to North Harris County Regional Water Authority, Northampton MUD, and Northwest Harris County MUD 19 along with a signed affidavit that the notice was given.