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PUBLIC UTILITY COMMISSION  
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July 2, 2015

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue, Suite 8-100  
Austin, Texas 78711-3326

*Via Hand Delivery*

Re: Request for Public Hearing regarding PUC Docket No. 44512;

*Notice of Intent to Sell Facilities and Transfer Certificate of Convenience and Necessity No. 12086* dated June 3, 2015 (the "Notice"), relative to proposed transfer of the CCN from Oak Forest Highlands, Inc. ("Transferor") to Forest Oaks Mobile Homes, LLC ("Transferee") in Travis County, Texas; and

*Certificate of Certificate of Convenience and Necessity (CCN) No. 12086*, issued by Texas Water Commission to Oak Forest Highlands, Inc. on January 20, 1988 (the "Certificate")

Dear Ladies and Gentlemen:

I have the pleasure of representing Professional Contract Services, Inc. ("PCSI"). PCSI hereby requests a public hearing regarding its objections to the Notice and its request for amendment of the Certificate.

The Certificate was originally issued to allow Transferor to sell water to the occupants of the Forest Oaks Village Mobile Home Community, which is a mobile home park situated on approximately 6.73 acres, as more particularly described in the deed from Texana Properties, Inc. to Forest Oaks MHC, LLC, recorded at 2014156103 in the Official Public Records of Travis County, Texas (the "Forest Oaks Parcel"). It appears that Forest Oaks MHC, LLC is an affiliate of Transferee. The Forest Oaks Parcel contains approximately 30 mobile homes.

PCSI operates a water well at its corporate headquarters, which is located immediately east of the Forest Oaks Parcel. PCSI would be adversely affected by the transfer of the Certificate in that Transferee contemplates selling water to customers located outside of the area covered by the Certificate and, if Transferee does so, PCSI's ability to withdraw groundwater from its own well will be impaired. In order to mitigate this risk, PCSI requests that the Certificate be amended to clarify the area covered by the Certificate.

Pursuant to Section 13.254(a)(1) and (4) of the Texas Water Code, the Commission is authorized to amend the Certificate with the written consent of the Certificate holder or if the Commission finds that:

“the Certificate holder has never provided, is no longer providing, is incapable of providing, or has failed to provide continuous and adequate service in the area, or part of the area, covered by the Certificate...; or

the Certificate holder has failed to file a cease and desist action pursuant to Section 13.252 within 180 days of the date that it became aware that another retail public utility was providing service within its service area, unless the Certificate holder demonstrates good cause for its failure to file such action within the 180 days.”

The Commission is advised of the following matters, which have recently come to PCSI's attention:

1. Transferee has made a written offer to PCSI to sell water to PCSI.
2. Transferee has indicated to PCSI that the Transferor's existing service area is limited to the Forest Oaks Parcel and existing customers are limited to occupants of the Forest Oaks Parcel. Specifically, Transferee indicated that “current water distribution piping” is installed only within “the central 4 acres” of the Forest Oaks Parcel.
3. The Texas Public Utility Commission (“Commission”) granted Certificate of Convenience and Necessity No. 11322 to the City of Austin for the area surrounding the Forest Oaks Parcel, including most of the 18 acres which Transferee asserts is covered by the Certificate.
4. It appears that the Certificate holder failed to file a cease and desist action pursuant to Section 13.252 within 180 days of the date that it became aware that the City of Austin was providing service within the area that Transferee asserts is covered by the Certificate.

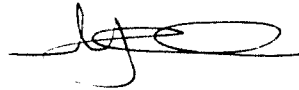
It appears that either the boundary of area covered by the Certificate is not understood by Transferee, or Transferee has seized upon the indefinite boundary and is attempting to use the indefiniteness to its advantage – and to PCSI's detriment. The Certificate itself does not contain a precise written description of the area covered. The Certificate refers to a map, but, upon inquiry, the Commission's records center was unable to provide a copy of the referenced map. Although the Commission's GIS viewer depicts the covered area, the boundary is indefinite. In the Notice, Transferee purports to describe the area covered by the Certificate by indicating “[t]he total area being requested includes approximately 18 acres and serves 30 customers.” Because the Forest Oaks Parcel contains only 6.73 acres, there is no reasonable basis for

Transferee to assert the Certificate covers 18 acres. The Certificate should be limited to cover only the 6.73 acres and the 30 customers within the Forest Oaks Parcel. Although Transferee has indicated the existing system serves only "4 acres," the boundaries of the 6.73 acres, as described in the above-referenced recorded deed, would allow for a more definite description of the area covered by the Certificate.

PCSI would be willing to withdraw its request for a public hearing, its objection to the proposed transfer, and its request for amendment of the Certificate, if: (i) the Certificate is amended by clarifying that the Certificate covers only the 6.73 acres within the Forest Oaks Parcel, as more particularly described in the deed from Texana Properties, Inc. to Forest Oaks MHC, LLC, recorded at 2014156103 in the Official Public Records of Travis County, Texas; and (ii) the application for transfer is amended by clarifying that the Certificate covers only "[t]he total area being requested includes 6.73 acres [i.e., the Forest Oaks Parcel] and serves 30 customers."

Thank you for your consideration of this matter. Please direct any communications regarding this matter to the undersigned.

Sincerely,



Mark E. Nogalski

Enclosures

cc: Professional Contract Services, Inc.  
718 W FM 1626, Bldg 100  
Austin, TX 78748  
Attn: Mr. Eric Barbosa, Vice President & General Counsel

*Via E-Mail*

Forest Oaks Mobile Homes, LLC  
724 W. FM 1626, Trailer 4  
Austin, TX 78748  
Attn: Mr. Palmer Stevens

*Via First Class Mail*