



Control Number: 44721



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DOCKET NO. 44721

APPLICATION OF QUADVEST, L.P. TO  
AMEND CERTIFICATES OF  
CONVENIENCE AND NECESSITY IN  
HARRIS COUNTY

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RECEIVED  
2016 JUN 23 AM 10:03  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

### COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Recommendation on Administrative Completeness.

#### I. BACKGROUND

On May 6, 2015, Quadvest, L.P. (Quadvest) filed an application to amend its water and sewer certificates of convenience and necessity (CCN) Nos. 11612 and 20952 in Harris County. The area Quadvest seeks to add to its CCN's consists of 93 acres. There are no current customers.

On April 27, 2016, Order No. 12 was issued, requiring Staff to file a supplemental recommendation on the sufficiency of the application on or before June 23, 2016. Therefore, this recommendation is timely filed.

#### II. COMMENTS ON ADMINISTRATIVE COMPLETENESS

The review for administrative completeness of CCN applications is provided by 16 Tex. Admin. Code § 24.8 (TAC). If the Commission determines material deficiencies exist in the application, the application may be rejected.<sup>1</sup> The Commission's required contents of a CCN application are provided by 16 TAC §§ 24.102 and 24.105-.107.

As detailed in the attached memo from Sean Scaff and Komal Patel, in the Commission's Water Utilities Division, Staff finds that Quadvest has cured all application and notice deficiencies. Therefore, Staff recommends the application be deemed administratively complete.

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<sup>1</sup> 16 TAC § 24.8(a).

The Commission's notice requirements for CCN applications are provided by 16 TAC § 24.106. Specifically, Staff recommends that Quadvest be directed to provide the attached notice to the following:

- a) any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two miles of the proposed service area;
- b) any city with an extraterritorial jurisdiction which overlaps the proposed service area;
- c) 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
- d) notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Harris County.

Additionally, Staff recommends Quadvest be directed to provide notice to the specific entities listed in Staff's attached memorandum. Finally, Staff recommends that Quadvest be ordered to include a copy of a map showing the proposed service area with the individual notices to neighboring utilities and other affected parties. Information related to districts including addresses can be obtained from the TCEQ web site located at <http://www.14.tceq.texas.gov/iwud/>.

### III. PROPOSED PROCEDURAL SCHEDULE

Staff recommends the following procedural schedule:

Event	Date
Deadline for Quadvest to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation.	August 18, 2016
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Quadvest filing notice with the Commission
Deadline to Intervene	30 days after notice is issued

Staff notes that customers have the ability to opt out of a CCN request.<sup>2</sup> In the event customers wish to opt out of the CCN, additional procedures may be needed before Staff may make a recommendation. Additionally, in the event Staff were to recommend final approval of the CCN amendment, Staff's ability to meet the above deadline is driven in part by Staff's receipt of consent to final mapping from Quadvest.

#### **IV. CONCLUSION**

Staff respectfully requests that the ALJ issue an order consistent with this Response.

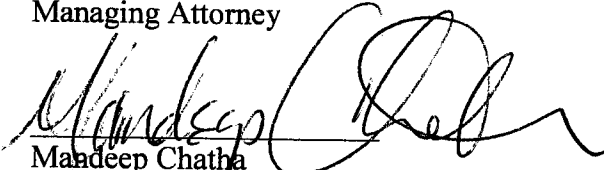
**DATE: June 23, 2016**

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Stephen Mack  
Managing Attorney



Mandeep Chatha  
State Bar No. 24082803  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7163  
(512) 936-7268 (facsimile)

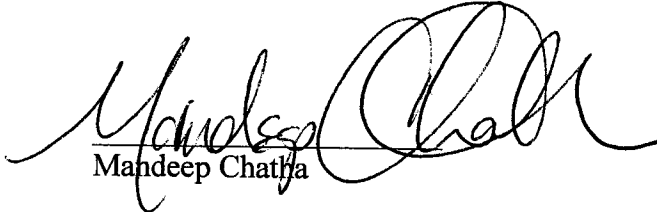
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<sup>2</sup> 16 TAC § 24.102(h).

**DOCKET NO. 44721**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on June 23, 2016 in accordance with 16 TAC § 22.74.

  
Mandeep Chatha

## PUC Interoffice Memorandum

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**To:** Mandeep Chatha, Attorney  
Legal Division

**Through:** Tammy Benter, Director  
Water Utilities Division

**From:** Sean Scaff, Engineering Specialist  
Komal Patel, GIS Specialist  
Water Utilities Division

**Date:** June 16, 2016

**Subject:** **Docket No. 44721:** *Application of Quadvest, L.P. to amend Certificates of Convenience and Necessity in Harris County, Texas*

On May 6, 2015, Quadvest, L.P. (Quadvest) filed an application with the Public Utility Commission of Texas (Commission) to amend its water and sewer Certificate of Convenience and Necessity (CCN) Nos. 11612 and 20952 in Harris County. The area Quadvest seeks to add to its CCNs consists of 93 acres, with no current customers.

A Staff review of the above referenced application and supplemental filings on April 22, 2016, found that the information is 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, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of the proposed service area;
  - b) any city with an extraterritorial jurisdiction which overlaps the proposed service area;
  - c) 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
  - d) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Harris County;
- 2) The Applicant be ordered to include copy of a map showing the proposed service area with the individual notices to neighboring utilities, and 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 from the TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>.
- 3) The applicant should also provide correct notice of the application to the list of entities shown below.

**Neighboring entities to be noticed:**

  - Aqua Texas Inc (CCN 13203 and CCN 21065)
  - Barker Utilities GP LLC (CCN 13136 and CCN 21013)
  - City of Houston
  - Coastal Water Authority
  - CY Fair Community Improvement District
  - Enchanted Valley WSC (CCN 11479 and CCN 20560)
  - Faulkey Gully MUD
  - Grant Road PUD
  - Gulf Coast Waste Disposal Authority
  - Harris County FCD
  - Harris County FWSD 61
  - Harris County MUD 69

- Harris County MUD 196
- Harris County MUD 248
- Harris County MUD 360
- Harris County MUD 364
- Harris County MUD 365
- Harris County MUD 389
- Harris County MUD 503
- Harris County WCID 113
- Harris-Galveston Coastal Subsidence District
- H-M-W SUD (CCN 10342)
- North Harris County Regional Water Authority
- Northwest Harris County MUD 5
- Northwest Harris County MUD 10
- Orchard Crossing (CCN 12671 and CCN 20765)
- Port of Houston Authority
- Remington MUD 1
- Suburban Utility (CCN 10835)
- SW Utility Company (CCN 12284)
- Timberlake Improvement District
- Waynewood Place Civic Club Inc (CCN 12466)
- West Harris County MUD 15
- West Harris County RWA

- 4) The Applicant be ordered to return within 30 days of the Commission order, a copy of the actual notice sent, the map that was sent with the individual notice, and the attached signed affidavit that the notice was given. It is recommended that the Applicant use the attached notice and affidavits to meet these requirements.

## ***Notice to Neighboring Systems, Cities and Landowners***

### **NOTICE OF APPLICATION TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) FOR THE PROVISION OF WATER AND SEWER SERVICE IN HARRIS COUNTY, TEXAS**

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 2016  
(Name of neighboring systems, cities and landowners)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

Quadvest, L.P., has submitted an application with the Public Utility Commission of Texas to amend its CCN Nos. 11612 and 20952 to provide water and sewer service in Harris County

The area subject to this transaction is located within approximately 9 miles northwest of downtown **Jersey Village, Texas**, and is generally located on the north by **Jarvis Road**; on the east by **Telge Road**; on the south by **Cypress Creek**; and on the west by **Secret Forest Court**.

The total area being requested includes approximately 93 acres and serves 0 current customers.

#### **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:

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, 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 service area, you may request to be excluded from the proposed service 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 requests to opt out of the requested service area must include a large scale 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

# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, CUSTOMERS AND AFFECTED PARTIES DOCKET NO. 44721

STATE OF TEXAS  
COUNTY OF Harris

has provided individual notice to the following entities:

DATE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### OATH

I, \_\_\_\_\_, being duly sworn, file this form as  
\_\_\_\_\_ (indicate relationship to applicant, that is owner,  
member or partnership, title of officer of corporation, or other authorized representative of applicant);  
that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar  
with the notices given with this application, and have complied with all notice requirements in the  
application and application acceptance letter; and that all such statements made and matters set forth  
therein are true and correct.

\_\_\_\_\_  
Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or  
its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016 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 \_\_\_\_\_

## ***NOTICE FOR PUBLICATION***

### **NOTICE OF APPLICATION TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) FOR THE PROVISION OF WATER AND SEWER SERVICE IN HARRIS COUNTY, TEXAS**

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The area subject to this transaction is located within approximately 9 miles northwest of downtown **Jersey Village, Texas**, and is generally located on the north by **Jarvis Road**; on the east by **Telge Road**; on the south by **Cypress Creek**; and on the west by **Secret Forest Court**.

The total area being requested includes approximately 93 acres and serves 0 current customers.

**A copy of the map may be viewed at: 26926 FM 2978, Magnolia, TX, 77354, 281-356-5347.**

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.

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

# 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 \_\_\_\_\_