

Control Number: 44721



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RECEIVED

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

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PUBLIC UTILITY COMMISSION

PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

COMMISSION STAFF'S RESPONSE TO ORDER NO. 2

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Response to Order No. 2.

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 May 8, 2015, Order No. 1 was issued, requiring Staff to file comments on the administrative completeness of the application, proposed notice, and a procedural schedule by June 8, 2015. Staff recommended the application be deemed deficient. On June 11, 2015, Order No. 2 was issued, deeming Quadvest's application deficient and requiring Quadvest to amend its application to cure the deficiencies by July 8, 2015. Order No. 2 also required Staff to file comments regarding administrative completeness of the application, along with a proposed procedural schedule if deemed administratively complete by August 10, 2015. On August 6, 2015, Order No. 3 was issued, granting Staff's request for an extension of time and setting August 28, 2015 as the date for Staff to file administrative completeness comments. Therefore, this Response is timely filed.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS

The review for administrative completeness of CCN applications is provided in 16 Tex. Admin. Code § 24.8 (TAC). If the Commission determines material deficiencies exist in the application, the application may be rejected.¹ The Commission's required contents of CCN

¹ 16 TAC § 24.8(a).

applications are provided in 16 TAC §§ 24.102 and 24.105-.107. As detailed in the attached memo from Sean Scaff, in the Commission's Water Utilities Division, Staff has reviewed the application and recommends that the application be found administratively incomplete pursuant to 16 TAC §§ 24.105 and 24.106.

Staff identified deficiencies in the mapping requirements and proposed notice. Specifically, the supplemental digital data that was provided on July 30, 2015 showed a boundary overlap with Aqua Texas, CCN No. 13203. If the overlap is intentional, Staff recommends that Quadvest provide written documentation from Aqua Texas that they are willing to decertify the overlapped area and transfer it to Quadvest. However, if the overlap is not intentional, Quadvest should provide revised digital data and an updated boundary map removing the overlapped area.

Staff cannot make a recommendation on notice until the other deficiencies are cured. Applicant *should not* send out notice until the Commission has issued an order approving the notice and directing Quadvest to provide notice.

Pursuant to 16 TAC § 24.8(a), the application is not considered filed until the Commission determines that the application, mapping requirements and proposed notice are administratively complete. Staff has identified deficiencies in the application, mapping requirements, and notice and, therefore, recommends that the application package be found administratively incomplete pursuant to 16 TAC §§ 24.102 and 24.105-.107.

III. PROPOSED PROCEDURAL SCHEDULE

Due to the deficiencies in the application, Staff does not recommend a procedural schedule for the evaluation of the merits of the application at this time. Staff recommends Quadvest be given until September 28, 2015 to cure the deficiencies identified in the attached memorandum. Staff proposes a deadline of October 27, 2015 for Staff to file additional comments regarding administrative completeness, along with a proposed procedural schedule if deemed administratively complete.

IV. CONCLUSION

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

DATE: August 28, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division




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

DOCKET NO. 44721

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the August 28, 2015 in accordance with 16 TAC § 22.74.


Mandeep Chatha

Public Utility Commission of Texas

Memorandum

TO: Mandeep Chatha, Attorney
Legal Division

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

THRU: Tammy Benter, Director
Water Utilities Division

DATE: August 17, 2015

RE: Docket No. 44721: Application of Quadvest, L.P to amend their water Certificate of Convenience and Necessity (CCN) No. 11612 and sewer CCN No. 20952.

On May 6, 2015, Quadvest, L.P (Applicant) filed an application to amend its water CCN No. 11612 and sewer CCN No. 20952 in Harris County. The application is being reviewed pursuant to Texas Water Code (TWC) §§ 13.242- 13.250 and 16 Tex. Admin. Code (TAC) §§ 24.101-24.107. Order No. 1 requested Staff review the proposed CCN application and proposed notices for administrative completeness by June 8, 2015.

Quadvest submitted supplemental information on July 30, 2015, and Order No. 2 requested Staff review the material for administrative completeness by August 28, 2015. Staff reviewed the above referenced application and supplemental information and found that the application it is still deficient in the required mapping information. Therefore, Staff recommends that the application be deemed insufficient for filing and found administratively incomplete.

After providing digital data of the proposed areas, the mapping Staff found a CCN boundary overlap with Aqua Texas, CCN No. 13203. It is recommended that the Applicant address the following issues:

1. Clarify if the overlap with Aqua Texas is intentional. If the overlap is intentional, Applicant should provide written documentation from Aqua Texas that they are willing to decertify the overlapped area and transfer it to Quadvest.
2. If the overlap is not intentional, then the Applicant will need to provide revised digital data and an updated boundary map removing the overlapped areas.