



Control Number: 44740



Item Number: 1

Addendum StartPage: 0

# FULTZ & FULTZ

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44740

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May 15, 2015

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

Via Federal Express

Attention: Filing Clerk

RE: Application to Amend Sewer CCN # 20984

Applicant: MSEC Enterprises, Inc.

Dear Sirs:

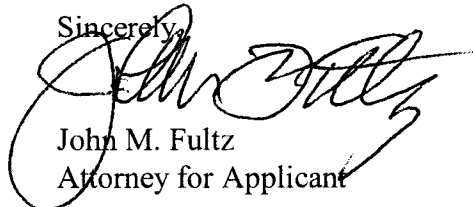
We are enclosing an original and 6 copies (7 total) of the referenced Application with attachments. Also enclosed are two CD-R's containing digital map data.

Please file and process the enclosed Application to Amend in your usual prompt manner.

Please advise of additional information required.

Thank you for your attention to this matter.

Sincerely,



John M. Fultz  
Attorney for Applicant

Enclosures: 7 copies of Application  
2 CD-R's

RECEIVED  
2015 MAY 18 PM 12:02  
PUBLIC UTILITY COMMISSION  
FILING CLERK



PURSUANT TO PUC CHAPTER 24, SUBSTANTIVE RULES APPLICABLE TO WATER AND SEWER  
SERVICE PROVIDERS, SUBCHAPTER G: CERTIFICATES OF CONVENIENCE AND NECESSITY

## Application to Obtain or Amend a Water or Sewer Certificate of Convenience and Necessity (CCN)

Docket Number: **44740**

(this number will be assigned by the Public Utility Commission after your application is filed)

7 copies of the application, including the original, shall be filed with

Public Utility Commission of Texas  
Attention: Filing Clerk  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

If submitting digital map data, two copies of the portable electronic storage medium (such as CD or DVD) are required.

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## Application to Obtain or Amend a Water or Sewer Certificate of Convenience and Necessity (CCN)

### Purpose of Application

<input type="checkbox"/> Obtain	<input type="checkbox"/> New Water CCN	<input type="checkbox"/> New Sewer CCN
<input type="checkbox"/> Amend	<input type="checkbox"/> Water CCN# (s) _____	
<input checked="" type="checkbox"/> Amend	<input checked="" type="checkbox"/> Sewer CCN#(s) <u>20984</u>	

### 1. Applicant Information

#### Applicant

Utility name: MSEC Enterprises, Inc.

Certificate number: 20984

Street address (City/ST/ZIP/Code): 7625 Highway 6, Navasota, Texas 77868

Mailing address(City/ST/ZIP/Code): P. O. Box 970, Navasota, Texas 77868

Utility Phone Number and Fax: 936-825-5100 tel; 936-825-5179 fax

#### Contact information

Please provide information about the person(s) to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney, accountant manager, or other title related to the applicant.

Name: John M. Fultz

Title: Attorney

Mailing address: P. O. Box 868, Navasota, Texas 77868

Email: john@fultzlaw.com

Phone and Fax: 936-825-7833/2354fax

List all counties in which service is proposed: Montgomery County

A. Check the appropriate box and provide information regarding the legal status of the applicant:

- ☒ Investor Owned Utility      ☐ Individual      ☐ Partnership
- ☐ Home or Property Owners Association      ☒ For-profit Corporation
- ☐ Non-profit, member-owned, member-controlled cooperative corporation  
(Water Code Chapter 67, Water Supply or Sewer Service Corporation)
- ☐ Municipality      ☐ District      ☐ Other - Please explain:

B. If the applicant is a For-Profit business or corporation, please include the following information:

- i. A copy of the corporation's "Certification of Account Status" from the Texas State Comptroller of Public Accounts.
- ii. The corporation's charter number as recorded with the Office of the Texas Secretary of State: 01452050
- iii. A listing of all stockholders and their respective percentages of ownership.
- iv. A copy of the company's organizational chart, if available.
- v. A list of all directors and disclose the title of each individual.
- vi. A list of all affiliated organizations (if any) and explain the affiliate's business relationship with the applicant.

**See Attachment 1**

C. If the applicant is a Texas Water Code (TWC) Chapter 67 water supply or sewer service corporation please provide:

- i. A copy of the Articles of Incorporation and By-Laws.      N/A
- ii. The corporation's charter number as recorded with the Office of the Texas Secretary of State.
- iii. Identification of all board members including name, address, title, and telephone number.
- iv. A copy of the corporation's *Certificate of Account Status* from the Texas Comptroller of Public Accounts.

## 2. Location Information

- A. Are there people already living in the proposed area?      ☐ Yes      ☒ No
- If YES, are any currently receiving utility service?      ☐ Yes      ☐ No
- If YES, from WHOM?      N/A

B. Demonstrate the Need for Service by providing the following:

Have you received any requests for service in the requested service area?

☒ Yes    ☐ No

If YES, provide the following:

- i. Describe the service area and circumstances driving the need for service in the requested area. Indicate the name(s) and address(es) of landowner(s), prospective landowner(s), tenant(s), or resident(s) that have requested service; and/or
- ii. Describe the economic need(s) for service in the requested area (i.e. plat approvals, recent annexation(s) or annexation request(s), building permits, septic tank permits, hospitals, etc.); and/or
- iii. Discuss in detail the environmental need(s) for service in the requested area (i.e. failing septic tanks in the requested area, fueling wells, etc.); and/or
- iv. Provide copies of any written application(s) or request(s) for service in the requested area; and/or
- v. Provide copies of any reports and/or market studies demonstrating existing or anticipated growth in the requested area.
- vi. If none of these items exist or are available, please justify the need for service in the proposed area in writing.

Note: Failure to demonstrate a need for additional service in the proposed service area may result in the delay and /or possible denial of the application.

**See Attachment 2**

C. Is any portion of the proposed service area inside an incorporated city or district?

☐ Yes    ☒ No

If YES, within the corporate limits of: N/A

Provide a copy of any franchise, permit, or consent granted by the city or district. If not available please explain:

D. Is any portion of the proposed service area inside another utility's CCN area?

☐ Yes    ☒ No

If YES, has the current CCN holder agreed to decertify the proposed area?

If NO, are you seeking dual or single certification of the area? Explain why decertification of the area is in the public interest: **Single certification. Not seeking decertification as there are no Sewer CCN's affecting the area.**

### 3. Map Requirements

Attach the following hard copy maps with each copy of the application:

- A. A location map delineating the proposed service area with enough detail to accurately locate the proposed area within the county. **See Attachment 3**
- B. A map showing only the proposed area by: **See Attachment 4**
  - i. metes and bounds survey certified by a licensed state or register professional land surveyor; or
  - ii. projectable digital data with metadata (proposed areas should be in a single record and clearly labeled). Also, a data disk labeled with the applicant's name must be provided; or
  - iii. following verifiable natural and man-made landmarks; or
  - iv. a copy of recorded plat map with metes and bounds.
- C. A written description of the proposed service area. **See Attachment 5**
- D. Provide separate and additional maps of the proposed area(s) to show the following:
  - i. all facilities, illustrating separately facilities for production, transmission, and distribution of the applicant's service(s); and
  - ii. any facilities, customers or area currently being served outside the applicant's certificated area(s).**See Attachment 6**

**Note:** Failure to provide adequate mapping information may result in the delay or possible denial of your application.

Digital data submitted in a format other than ArcView shape file or Arc/Info E00 file may result in the delay or inability to review applicant's mapping information.

For information on obtaining a CCN base map or questions about sending digital map data, please visit the Water Utilities section of the PUC website for assistance.

### 4. New System Information or Utilities Requesting a CCN for the First Time

- A. Please provide the following information: **See Attachment 7**
  - i. a list of public drinking water supply system(s) or sewer system(s) within a 2 mile radius of the proposed system;
  - ii. copies of written requests seeking to obtain service from each of the public drinking water systems or sewer systems listed in a. 1 above or documentation that it is not economically feasible to obtain service from each entity;
  - iii. copies of written responses from each system or evidence that they did not reply; and
  - iv. for sewer utilities, documentation showing that you have obtained or applied for a wastewater discharge permit.
- B. Were your requests for service denied? ☒ Yes ☐ No

- i. If yes, please provide documentation of the denial of service and go to c. **See Attachment 8**
- ii. If no, please provide a detailed analysis which justifies your reasons for not accepting service. A separate analysis must be prepared and submitted for each utility that granted your request for service.
- C. Please summarize how the proposed utility system will be constructed and describe each projected construction phase, if any: **See Attachment 9**
- D. Date of plat approval, if required: N/A  
 Approved by: \_\_\_\_\_
- E. Date Plans & Specifications submitted to the TCEQ for approval:  
Pending completion of MISD school design-- Attach copy of approval letter, if available. If the letter is not available by the time your CCN application is submitted, please supplement your application with a copy of the letter once you receive it from the TCEQ.
- F. Date construction is scheduled to commence: January 2016
- G. Date service is scheduled to commence: April 2017

## 5. Existing System Information

A. Please provide the following information for each water and/or sewer system, attach additional sheets if necessary.

i. Water system(s): TCEQ Public Water System identification number(s):

1 7 0 0 6 3 8 ;

1 7 0 0 6 7 7 ;

1 7 0 0 7 8 1

;

;

;

;

;

;

;

;

;

ii. Sewer system(s): TCEQ Discharge Permit number(s)



W	Q	1	4	6	3	8	-	0	0	1
---	---	---	---	---	---	---	---	---	---	---

W	Q						-			
---	---	--	--	--	--	--	---	--	--	--

W	Q						-			
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W	Q						-			
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W	Q						-			
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- iii. Date of last TCEQ water and/or sewer system inspection(s): March 20, 2013
- iv. Attach a copy of the most recent TCEQ water and/or sewer inspection report letter(s). **See Attachment 10**
- v. For each system deficiency listed in the TCEQ inspection report letter; attach a brief explanation listing the actions taken or being taken by the utility to correct the listed deficiencies, including the proposed completion dates. **N/A**

B. Provide the following information about the utility's certified water and/or sewer operators

Name	Classes	License Number
Jonathan Blakely	B	WW0048325
Neil Fox	D	WW0051626
Dale Delatte	B	WW0004715
Dustin Gatlin	D	WW0051831
Jimmy Hutson	B	WW0052886
Josh Turknett	C	WW0052624
Larry Baldwin	D	WW0046496
Thomas Barnett	D	WW0050500
Victor Zarate	D	WW0050131

- Attach additional sheet(s) if necessary -

- C. Using the current number of customers, is any facility component in systems named in #5A above operating at 85% or greater of minimum standard capacity?

☐ Yes

☒ No

Attach a copy of the 85% rule compliance document filed with the TCEQ if the system is operating at 85% or greater of the TCEQ's minimum standard capacity requirements. **N/A**

- D. In the table below, the number of existing and/or proposed metered and non-metered connections (by size). The proposed number should reflect the information presented in the business plan or financial **documentation** and reflect the number of service requests identified in Question 2.b in the application.

TCEQ Water System			TCEQ Sewer System		
Connection	Existing	Proposed	Connection	Existing	Proposed
5/8" or 3/4" meter			Residential	0	0
1" meter or larger			Commercial	3	1
Non-Metered			Industrial	0	0

TCEQ Water System			TCEQ Sewer System		
Other:			Other:		
Total Water			Total Sewer	3	4

- E. If this application is for a water CCN only, please explain how sewer service is or will be provided:

N/A

- F. If this application is for a sewer CCN only, please explain how water service is or will be provided:

Applicant holds the existing CCN for water for approximately 124 acres of Tract 1. Keenan WSC currently holds the water CCN for Tract 2. Remaining 3 acres of Tract 1 is Applicant's water plant site. Owner has requested Applicant to provide water as well. Keenan WSC has not objected to the issuance of the sewer CCN.

- G. Effect of Granting a Certificate Amendment.

Explain in detail the effect of granting of a certificate or an amendment, including, but not limited to regionalization, compliance and economic effects on the following: **See Attachment 11**

- the applicant,
- any retail public utility of the same kind already serving the proximate area; and
- any landowner(s) in the requested area.

- H. Do you currently purchase or plan to purchase water or sewer treatment capacity from another source?

- i. ☒ No, (skip the rest of this question and go to #6)

- ii. Yes, Water

Purchased on a ☐ Regular ☐ Seasonal ☐ Emergency basis?

Water Source	% of Total Treatment
N/A	0.00%

Water Source	% of Total Treatment
N/A	0.00%
	0.00%

iii. ☐ Yes, Sewer treatment capacity

Purchased on a ☐ Regular ☐ Seasonal ☐ Emergency basis?

Sewer Source	% of Total Treatment
N/A	0.00%
	0.00%
	0.00%

iv. Provide a signed and dated copy of the most current water or sewer treatment capacity purchase agreement or contract. N/A

I. Ability to Provide Adequate Service.

Describe the ability of the applicant to provide adequate service, including meeting the standards of the commission, taking both of the following items into consideration:

- i. the current and projected density; and
- ii. the land use of the requested area. See Attachment 12

J. Effect on the Land. Explain the effect on the land to be included in the certificated area.

The land included in the Certificated Area is owned by the District and Applicant. The grant of the Amendment will allow the District to develop the needed schools. Construction plans include reuse and production of Type 1 effluent, human contact. The reuse of the effluent will allow irrigation of playing fields and green space. The Type 1 effluent will have the least negative effect, if any, on down stream lands.

## 6. Financial Information

- A. For new water and/or sewer systems and for applicants with existing CCNs who are constructing a new stand-alone water and/or sewer system: See Attachment 13
  - i. the applicant must provide an analysis of all necessary costs for constructing, operating, and maintaining the system, and the source of that capital (such as a financial statement for the developing entity) for which the CCN is requested for at least the first five years. In addition, if service has been offered by an existing retail water service provider as stated in #4.A., but the applicant has determined that the cost of service as finally offered renders the project not economically feasible, the applicant must provide a comparison analysis of all necessary costs for acquiring and continuing to receive service from the existing system for the same period.
  - ii. Attach projected profit and loss statements, cash flow worksheets, and balance sheets (projected five year financial plan worksheet is attached) for each of the first five years of operation. Income from rates

should correlate to the projected growth in connections, shown on the projected profit and loss statement.

- iii. Attach a proposed rate schedule or tariff. Describe the procedure for determining the rates and fees and indicate the date of last change, if applicable. Attach copies of any cost of service studies or rate analysis worksheets.
- B. For existing water and/or sewer systems: **See Attachment 13**
  - i. Attach a profit and loss statement and current balance sheet for existing businesses (end of last fiscal year is acceptable). Describe sources and terms for borrowed capital such as loans, bonds, or notes (profit and loss and balance sheet worksheets are attached, if needed).
  - ii. Attach a proposed rate schedule or tariff.
- ❖ **Note: An existing water and/or sewer system may be required to provide the information in 6.A.i. above during the technical review phase if necessary for staff to completely evaluate the application**
- C. Identify any funds you are required to accumulate and restrict by lenders or capital providers.
- D. In lieu of the information in #6.A. thru #6.C., you may provide information concerning loan approvals within the last three (3) years from lending institutions or agencies including the most recent financial audit of the applicant. **See Attachment 13**
- ❖ **Note: Failure to provide adequate financial information may result in the delay or possible denial of your application.**

## 7. Notice Requirements

- A. All proposed notice forms must be completed and submitted with the application. Do not mail or publish the notices until you receive written approval from the commission to do so.
- B. The commission cannot grant a CCN until proper notice of the application has been given. Commission rules do not allow a waiver of notice requirements for CCN applicants.
- C. It is the applicant's responsibility to ensure that proper notice is given to all entities that are required to receive notice.
- D. Recommended notice forms for publication, neighboring cities and systems, landowners with 25 acres or more, and customers are included with this application for use in preparing proposed notices. (Notice forms are available in Spanish upon request.)
- E. After reviewing and, if necessary, modifying the proposed notice, the commission will send the notice to the applicant after the application is accepted for filing along with instructions for publication and/or mailing. Please review the notice carefully before providing the notice.
- F. Notice For Publication:  
The applicant shall publish the notice in a newspaper with general circulation in the county(ies) where a CCN is being requested. The notice must be published once each week for two consecutive weeks beginning with the week after the notice is received from the commission. Proof of publication in the form of a publisher's affidavit shall be submitted to the commission within 30 days of the last publication date. The affidavit shall state with specificity each county in which the newspaper is of general circulation.
- G. Notice To Neighboring Utilities:
  - i. List all neighboring retail public utilities and cities providing the same utility service within the following vicinities of the applicant's proposed certificate area.
  - ii. For applications for the issuance of a NEW CCN, the applicant must mail the notice with a copy of the proposed CCN map to all cities and neighboring retail public utilities providing the same utility service within five (5) miles of the requested service area.

- iii. For applications for the AMENDMENT of a CCN, the applicant must mail the notice with a copy of the proposed CCN map to all cities and neighboring retail public utilities providing the same utility service within two (2) miles of the requested service area.
- H. Notice to Customers:  
Investor Owned Utilities (IOUs) that are currently providing service without a CCN must provide individual mailed notice to all current customers. The notice must contain the current rates, the date those rates were instituted and any other information required in the application.
- I. The commission may require the applicant to deliver notice to other affected persons or agencies.

**Do not publish or send copies of the proposed notices to anyone at the time you submit the application to the commission. Wait until you receive written authorization to do so. Authorization occurs after the commission has reviewed the notices for completeness, and your application has been accepted for filing. Once the application is accepted for filing, you will receive written authorization to provide notice. Please check the notices for accuracy before providing them to the public. It is the applicant's burden to ensure that correct and accurate notice is provided.**

# OATH

STATE OF TEXAS  
COUNTY OF GRIMES

I, KERRY KELTON, being duly sworn, file this application as President/CEO (indicate relationship to Applicant, that is, owner, member of partnership, title as officer of corporation, or other authorized representative of Applicant); that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the maps and financial information filed with this application, and have complied with all the requirements contained in this application; and, that all such statements made and matters set forth therein are true and correct. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Public Utility Commission of Texas.

I further represent that the application form has not been changed, altered or amended from its original form.

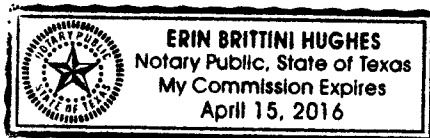
**I further represent that the Applicant will provide continuous and adequate service to all customers and qualified applicants for service within its certificated service area.**

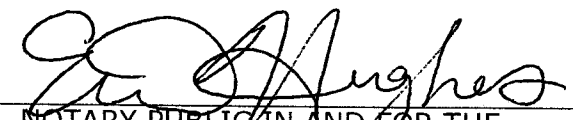
  
\_\_\_\_\_  
AFFIANT  
(Utility's Authorized Representative)

If the Affiant 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, a Notary Public in and for the State of Texas,  
This day 14<sup>th</sup> of May 20 15

SEAL



  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS

Erin Hughes  
\_\_\_\_\_  
PRINT OR TYPE NAME OF NOTARY

MY COMMISSION EXPIRES 4/15/16

## Notice for Publication

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY SERVICE IN

MONTGOMERY COUNTY(IES), TEXAS

Name of Applicant MSEC Enterprises, Inc. has filed an application for a CCN to obtain or amend CCN No. (s) 20984 and to decertify a portion(s) of N/A with the  
(Name of Decertified Utility)

Public Utility commission of Texas to provide sewer  
(specify 1) water or 2) sewer or 3) water & sewer)

utility service in Montgomery County  
(ies).

The proposed utility service area is located approximately 4 miles southeast [direction] of downtown Montgomery, [City or Town] Texas, and is generally bounded on the north by FM 2854; on the east by FM2854 & Adoue Rd on the south by Keenan Cut-off; and on the west by Forest Hills Dr.

The total area being requested includes approximately 191 acres and 0 current customers.

A copy of the proposed service area map is available at (Utility Address and Phone Number): 7625 Highway 6, Navasota, Texas 77868; 936-825-5100

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 file with the PUC at the following address:**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 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 be excluded 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 requests 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:**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 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 1-888-782-8477***



## Notice to Neighboring Systems, Landowners and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO  
PROVIDE WATER/SEWER UTILITY SERVICE IN  
MONTGOMERY \_\_\_\_\_ COUNTY(IES), TEXAS

To: \_\_\_\_\_ Date Notice Mailed \_\_\_\_\_ 20 \_\_\_\_  
(Neighboring System, Landowner or City)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
City State Zip

Name of Applicant MSEC Enterprises, Inc. has filed an application for a  
CCN to obtain or amend CCN No. (s) 20984 and to  
decertify a portion(s) of n/a with the  
(Name of Decertified Utility)

Public Utility Commission of Texas to provide sewer  
(specify 1) water or 2) sewer or 3) water & sewer)  
utility service in Montgomery County(ies).

The proposed utility service area is located approximately 4 miles southeast  
[direction] of downtown Montgomery, [City or Town] Texas, and is  
generally bounded on the north by FM 2854; on the east by  
FM2854 & Adoue Rd on the south by Keenan Cut-off; and on the west by Forest Hills Dr

**See enclosed map of the proposed service area.**

The total area being requested includes approximately 191 acres and 0  
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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:**

Filing Clerk  
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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.

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Austin, Texas 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 1-888-782-8477**

**ATTACHMENT 1**

**MONTGOMERY INDEPENDENT SCHOOL DISTRICT EXPANSION**

**Response to Question 1. B.**

- i. Certificate of Account Status – **See Attachment 1. B. i.**
- ii. Charter Number: **01452050**
- iii. Stockholders and Shares – **Mid-South Electric Cooperative Association, a member owned Texas electric cooperative corporation, owns 100% of all outstanding shares of Applicant MSEC Enterprises, Inc.**
- iv. Organizational Chart – **See Attachment 1. B. iv.**
- v. List of Directors and titles of each – **See Attachment 1. B. v.**
- vi. Affiliated Organizations
  - a. **MSEC Services, Inc., a wholly owned subsidiary; and,**
  - b. **Mid-South Electric Cooperative Association, parent of Applicant.**

**ATTACHMENT 1. B. i.**

MONTGOMERY INDEPENDENT SCHOOL DISTRICT EXPANSION

**Response to Question 1. B. i.**

**Certificate of Account Status  
Now, Franchise Tax Account Status**

**Attached**



## Franchise Tax Account Status

As of: 05/13/2015 08:16:48 AM

**This Page is Not Sufficient for Filings with the Secretary of State**

### MSEC ENTERPRISES, INC.

Texas Taxpayer Number 32000001266  
Mailing Address PO BOX 970  
NAVASOTA, TX 77868-0970  
Right to Transact Business ACTIVE  
in Texas  
State of Formation TX  
Effective SOS Registration 07/10/1997  
Date  
Texas SOS File Number 0145205000  
Registered Agent Name KERRY KELTON  
Registered Office Street 7625 HIGHWAY 6  
Address NAVASOTA, TX 77868

Attachment 1. B. i.

**ATTACHMENT 1. B. iv.**

MONTGOMERY INDEPENDENT SCHOOL DISTRICT EXPANSION

**Response to Question 1. B. iv.**

**Organizational Chart**

**Attached**

**OVERSIZED DOCUMENT(S)**

**TO VIEW**

**OVERSIZED DOCUMENT(S)**

**PLEASE GO TO**

**CENTRAL RECORDS**

**(512) 936-7180**

**ATTACHMENT 1. B. v.**

**MONTGOMERY INDEPENDENT SCHOOL DISTRICT EXPANSION**

**Response to Question 1. B. v.**

**List of Directors and Titles**

1. Paul Malek, Chairman of the Board
2. Russell Watson, Director
3. Jack Shepherd, Director
4. Dennis McWhorter, Director
5. Robert D. "Danny" Pierce, Director
6. Gary Baker, Director
7. Steve Driver, Director

**List of Officers:**

Paul Malek	Chairman of the Board
Kerry Kelton	President and Chief Executive Officer
Troy Morris	First Vice-President
Mike McDougald	Second Vice-President
Andrew Dallmeyer	Treasurer
Erin Hughes	Secretary



**ATTACHMENT 2**

**MONTGOMERY INDEPENDENT SCHOOL DISTRICT EXPANSION**

**Response to Question 2. B.**

2. B. i. The Service Area consists of two tracts of land described as follows:

TRACT 1: 127.462 acres of land; and

TRACT 2: 63.45 acres of land;

both out of the Raleigh Rogers Survey, Abstract No. 33, Montgomery County, Texas and referred to as the "Service Area".

Circumstances driving the need for wastewater service in the Service Area:

Montgomery Independent School District ("MISD") plans to open the following:

School Site	Count (Students & Staff)	Schedule Opening
Elementary (Tract 2)	1000	August 2017
Middle School (Tract 2)	1500	August 2017
High School (Tract 1)	3000	August 2018

MISD is the owner of all of Tract 1 except that portion conveyed to Applicant for a water well site and a wastewater plant site. MISD is the sole owner of Tract 2.

MISD Address: 13159 Walden Road, Montgomery, TX 77356

Applicant Address: PO Box 970, Navasota, TX 77868

2. B. ii. and iii. Southwestern Montgomery County is experiencing tremendous growth. MISD presented and the public approved a bond issue to construct the schools in the Service Area.

2. B. iv. Requests from MISD for water and sewer service from Applicant are attached as Attachment 2. B. iv. An Application for Discharge Permit is pending.

2. B. v. and 2. B. vi.: The student/teacher population for the expansion is expected to be approximately 5,500 individuals. Commencement of the construction is scheduled to begin in the next few months. MISD has been working on the expansion since 2011. The school facilities cannot function without wastewater infrastructure. MISD plans include reuse of the plant's planned Type 1 effluent (human contact).

Application to Amend Sewer CCN 20984  
Submitted by MSEC Enterprises, Inc.

**ATTACHMENT 2. B. iv.**

MONTGOMERY INDEPENDENT SCHOOL DISTRICT EXPANSION

**Montgomery Independent School District Requests For Service**

**Attached**

# Montgomery Independent School District

13159 Walden Road

P.O. Box 1475 Montgomery, TX 77356

Telephone: (936) 582-1333 Fax: (936) 582-6457

**Jim Gibson, Ed.D.**  
*Superintendent*

**Bobby Morris**  
*Assistant Superintendent  
Administrative Services*

**Babette M. Eikenberg, Ed.D.**  
*Associate Superintendent  
Instructional Services*

**Sharon Fields**  
*Chief Financial Officer*

August 11, 2011

Troy Morris  
Chief Operations Officer  
Mid-South Synergy  
P. o. Box 970  
Navasota, TX 77868

Dear Troy,

Please accept this as a formal request for service from Montgomery ISD to provide potable water and waste water treatment plant for a future Elementary, Junior High School and High School. It is projected that the Elementary School will open in 2015 while the Junior High School will begin serving students in 2018 and the High School in 2020.

The site that will serve both the Junior High School and High School is just off State Hwy. 2854 and I understand that it is not in an existing CCN. Thus we are asking that Mid-South Synergy take the necessary steps with the State of Texas to create a CCN to serve these two facilities that will serve this single site.

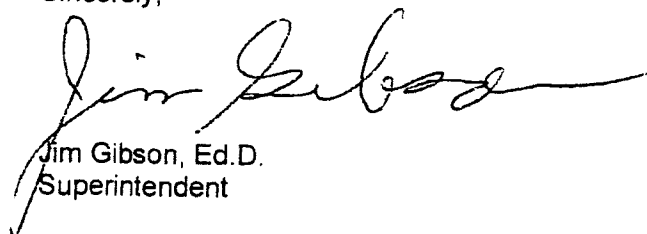
The Elementary School site is just off Kennan Cut Off and within one mile of the site for the Junior High School and High School. The 19 acre site is in the Kennan Water Supply CCN and a MOU is under development that states that if Keenan Water Supply cannot provide service, that they will release it to the Mid-South CCN. The site is not in an existing wastewater CCN. Thus we are asking that Mid-South Synergy also include this site in an application for a CCN to be submitted to the State of Texas.

It is my understanding that the size of the water meters as well as the flow requirements for each facility have been provided to you by Vogt Engineering. I further understand that the preliminary site layout plan has been provided to you by RWS Architects included proposed easements.

Separately, my office has sent you the recent MISD Demographic Study completed by Population and Survey Analysts (PASA). I further understand that you are in possession of the needed head count data.

Please let me know if additional information is needed.

Sincerely,



Jim Gibson, Ed.D.  
Superintendent

# Montgomery Independent School District

13159 Walden Road

P.O. Box 1475 Montgomery, TX 77356

Telephone: (936) 582-1333 Fax: (936) 582-6457

**Beau Rees, Ed.D.**  
Superintendent

**Bobby Morris**  
Assistant Superintendent

**Sharon Fields**  
Chief Financial Officer

April 28, 2015

Texas Commission on Environmental Quality  
Office of the Chief Clerk  
MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

RE: Proposed Wastewater Discharge Permit Application WQ0015341001 (EPA I.D. NO. TX0136191)  
MSEC Enterprises, Inc.

Dear Sirs:

I am writing as Superintendent of the Montgomery Independent School District (MISD). The District has been working on plans for the expansion of its elementary, middle, and high school facilities. This planning is required to meet the phenomenal growth in the District's student population in southwestern Montgomery County.

Listed below <sup>are</sup> the projected population figures as well as the anticipated commencement dates for the proposed schools. The Permit Application referenced above is a component of waste water utility services that will be needed for all three of the sites.

<u>School Site</u>	<u>Count (Students &amp; Staff)</u>	<u>Schedule Opening</u>
Elementary	1000	August 2017
Middle School	1500	August 2017
High School	3000	August 2018

Prior to 2006, the District sought and secured the assistance of Mid-South Electric Cooperative Association and its water subsidiary MSEC Enterprises, Inc. When the MISD built its Lone Star Elementary School located off of FM 2854, MSEC was willing to help the District by constructing the wastewater treatment plant and provided operating services. Lone Star Elementary has been in operation now for over 8 years.

At this time, the District has requested the assistance of MSEC to construct and operate a wastewater treatment plant with capacity to serve the elementary, middle, and high school facilities. MSEC has filed the Application for a WW Discharge Permit for the benefit of the MISD to meet its growth and needs in this area.

MISD supports the issuance of the WW Discharge Permit and requests TCEQ to approve the same in a timely manner to meet the August 2017 Elementary and Middle School opening deadlines.

On behalf of the Montgomery Independent School District, its Board of Directors, faculty, students, and the families served by the District, I would like to express our appreciation for the Commission's consideration of this Application.

Sincerely,



Beau Rees  
Superintendent

*Has been sent to  
Austin*

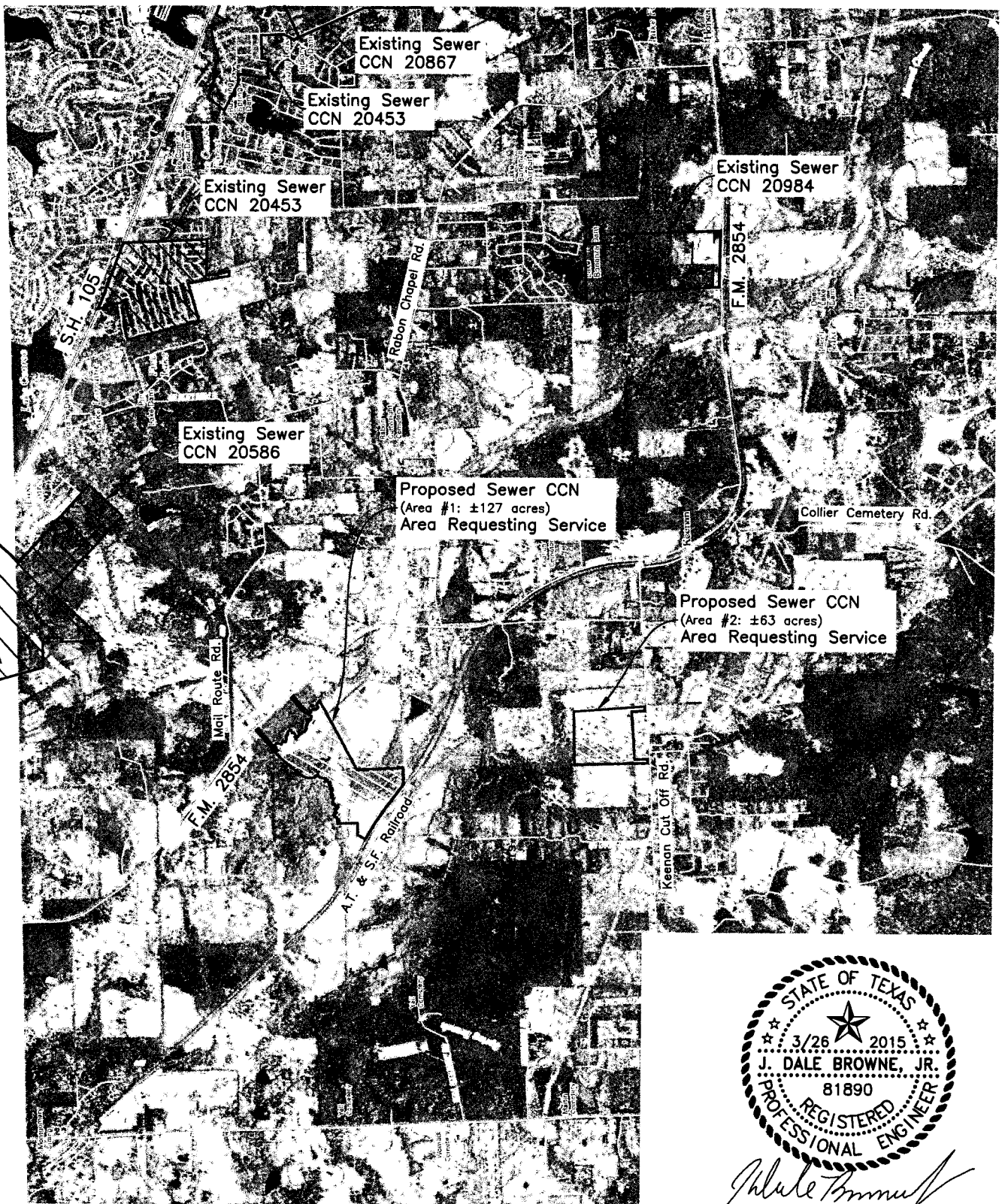
**ATTACHMENT 3**

MONTGOMERY INDEPENDENT SCHOOL DISTRICT EXPANSION

**Response to Question 3. Map Requirements**

**3. A. General Location Map**

**Attached**



*J. Dale Browne, Jr.*

DATE: 03/26/15  
 DRAWN BY: JDB  
 DESIGNED BY: JDB



**McCLURE & BROWNE**  
 ENGINEERING/SURVEYING, INC.  
 1008 Woodcreek Drive, Suite 103  
 College Station, Texas 77845  
 (979) 693-3838  
 Firm Reg. No. F-458

Scale: 1" = ±4,000'

**EXHIBIT "A"**  
**GENERAL LOCATION MAP**  
**Sewer CCN Application**  
**MSEC Enterprises, Inc.**  
**CCN 20984**

**ATTACHMENT 4**

MONTGOMERY INDEPENDENT SCHOOL DISTRICT EXPANSION

**Response to Question 3. Map Requirements**

**3. B. Map showing only the proposed area by:**

- a. metes and bounds or**
- b. projectable digital data or**
- c. landmarks or**
- d. recorded plat.**

**Applicant is providing b. projectable digital data.**

**See attached data disk appropriately labeled.**

**ATTACHMENT 5**

MONTGOMERY INDEPENDENT SCHOOL DISTRICT EXPANSION

**Response to Question 3. Map Requirements**

**3.C. Written Description of the Proposed Service Area**

**See Attached Metes and Bounds Descriptions of Tract 1 and Tract 2**



## METES AND BOUNDS DESCRIPTION

Of 127.462 Acres or 5,552,255 Square Feet of land being all of that certain 123.962 Acre Tract of land conveyed from Risher Randall, etux to MONTGOMERY INDEPENDENT SCHOOL DISTRICT by a deed dated March 3, 2009 and recorded under Clerk's File No. 2009017518, of the Deed Records of Montgomery County, Texas (M.C.D.R.), and being all of that certain 3.500 Acre Tract of land conveyed from MONTGOMERY INDEPENDENT SCHOOL DISTRICT to MSEC ENTERPRISES, INC. by a deed dated April 28, 2014 and recorded under Clerk's File No. 2009017518, M.C.D.R., lying in the RALEIGH ROGERS Survey, Abstract 33, near Montgomery, Montgomery County, Texas, said 127.462 Acre tract is more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found at the Southeast corner of that certain 118.98 Acre Tract of land, described under Clerk's File No. 9115052, M.C.D.R., the Northeast corner of that certain 18.69 Acre Tract of land conveyed from Sandra Bryson Perkins, etal to Phillip Lefevre, etux by a deed dated June 15, 2005 and recorded under Clerk's File No. 2005078277, M.C.D.R., same being the Southwest Right-of-Way of F. M. 2854 (a Variable R.O.W. at this point);

THENCE South 62 deg. 01 min. 08 sec. West, along the Southeast line of said 118.98 Acre Tract of land, same being the Northwest line of said 18.69 Acre Tract of land, a distance of 612.24 feet to the POINT OF BEGINNING in the centerline of MOUND CREEK;

THENCE continuing South 62 deg. 01 min. 08 sec. West, along the Southeast line of said 118.98 Acre Tract of land, same being the Northwest line of the remainder of that certain 142.501 Acre Tract of land conveyed from 2854 LIMITED to Phillip Lefevre, etux by a deed recorded under Clerk's File No. 9679663, M.C.D.R., at a distance of 975.58 feet pass a 5/8 inch iron rod found at the Northeast corner of that certain 69.994 Acre Tract of land conveyed from Joseph L. Guyton and Jeri A. Guyton to Thomas Mills Reed, etux by a deed dated October 5, 2011 and recorded under Clerk's File No. 2011089811, M.C.D.R., continuing along the Southeast line of said 118.98 Acre Tract of land, same being the Northwest line of said 69.994 Acre Tract of land, in all a distance of 2264.82 feet to a point for corner, from which a 1/2 inch iron rod was found North, 0.45 feet, and East, 0.86 feet;

THENCE South 00 deg. 15 min. 24 sec. East, along the West line of said 69.994 Acre Tract of land, a distance of 1329.71 feet to a point for corner, from which a 2-1/2 inch iron pipe was found North, 0.21 feet;

THENCE South 89 deg. 32 min. 40 sec. West, along the North line of the remainder of that certain 160.92 Acre Tract of land conveyed from Sheran C. McCants, Trustee to McCANTS FOREST LAND LIMITED PARTNERSHIP 37.85% Interest, by a deed recorded under Clerk's File No. 99002186, M.C.D.R., Earle T. McCants to McCANTS FOREST LAND LIMITED PARTNERSHIP 37.85% Interest, by a deed recorded under Clerk's File No. 99002185, M.C.D.R., Earle T. McCants, etal to McCANTS FOREST LAND LIMITED PARTNERSHIP 24.30% Interest, by a deed recorded under Clerk's File No. 99002184, M.C.D.R., a distance of 461.20 feet to a point for corner, from which a 2-1/2 inch iron pipe was found South, 0.21 feet, and East, 0.18 feet;

THENCE North 51 deg. 00 min. 20 sec. West, along the Northeast Right-of-Way of BNSF RAILROAD (a 80 foot R.O.W. Line Segment 7502), a distance of 819.91 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE. Northwesterly, along the Northeast Right-of-Way of said BNSF RAILROAD, a distance of 1079.97 feet along the arc of a curve to the left, said curve having a central angle of 05 deg. 08 min. 48 sec., radius of 5973.58 feet, a chord which bears North 56 deg. 11 min. 04 sec. West, and a chord distance 1078.50 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE North 28 deg. 38 min. 09 sec. East, a distance of 252.71 feet to a 5/8 inch iron rod with cap found at a point for corner;

THENCE North 89 deg. 44 min. 36 sec. East, a distance of 341.06 feet to a 5/8 inch iron rod with cap found at a point for corner;

THENCE North 00 deg. 15 min. 24 sec. West, a distance of 571.99 feet to the centerline of a tributary ditch of MOUND CREEK;

THENCE along the centerline of the meanders of a tributary ditch of MOUND CREEK the following courses and distances:

North 16 deg. 50 min. 32 sec. East, a distance of 7.19 feet;  
North 87 deg. 00 min. 53 sec. East, a distance of 41.30 feet;  
South 09 deg. 06 min. 51 sec. West, a distance of 43.67 feet;  
South 80 deg. 30 min. 23 sec. East, a distance of 38.48 feet;  
North 45 deg. 58 min. 17 sec. East, a distance of 63.53 feet;  
North 60 deg. 00 min. 09 sec. East, a distance of 66.56 feet;  
North 21 deg. 45 min. 01 sec. East, a distance of 48.46 feet;  
North 78 deg. 33 min. 59 sec. East, a distance of 42.35 feet;  
North 20 deg. 11 min. 10 sec. East, a distance of 34.00 feet;  
South 56 deg. 02 min. 19 sec. East, a distance of 54.39 feet;  
South 04 deg. 48 min. 26 sec. West, a distance of 35.09 feet;  
South 73 deg. 13 min. 50 sec. East, a distance of 36.39 feet;  
North 46 deg. 14 min. 33 sec. East, a distance of 23.85 feet;  
North 87 deg. 24 min. 57 sec. East, a distance of 26.99 feet;  
North 72 deg. 23 min. 39 sec. East, a distance of 39.16 feet;  
South 07 deg. 26 min. 05 sec. East, a distance of 58.33 feet;  
South 67 deg. 06 min. 27 sec. East, a distance of 71.71 feet;  
North 79 deg. 32 min. 51 sec. East, a distance of 30.35 feet;  
North 46 deg. 03 min. 16 sec. West, a distance of 69.62 feet;  
North 68 deg. 09 min. 09 sec. East, a distance of 98.73 feet;  
North 25 deg. 49 min. 56 sec. West, a distance of 32.32 feet;  
North 32 deg. 55 min. 13 sec. East, a distance of 35.62 feet;  
South 86 deg. 29 min. 18 sec. East, a distance of 118.90 feet;  
South 55 deg. 16 min. 26 sec. East, a distance of 51.68 feet;  
North 20 deg. 39 min. 46 sec. East, a distance of 34.03 feet;  
North 29 deg. 58 min. 24 sec. East, a distance of 49.49 feet;  
South 71 deg. 39 min. 44 sec. East, a distance of 32.25 feet;  
North 74 deg. 01 min. 43 sec. East, a distance of 38.46 feet;  
South 01 deg. 51 min. 07 sec. East, a distance of 31.85 feet;  
North 70 deg. 35 min. 04 sec. East, a distance of 22.19 feet;  
North 25 deg. 15 min. 00 sec. East, a distance of 36.17 feet;  
South 88 deg. 39 min. 32 sec. East, a distance of 43.75 feet;  
South 51 deg. 26 min. 00 sec. East, a distance of 40.19 feet;  
South 63 deg. 08 min. 12 sec. East, a distance of 48.30 feet;  
North 68 deg. 57 min. 06 sec. East, a distance of 29.69 feet;  
North 22 deg. 33 min. 27 sec. East, a distance of 29.23 feet;  
North 53 deg. 18 min. 06 sec. West, a distance of 37.74 feet;  
North 26 deg. 30 min. 17 sec. East, a distance of 29.48 feet;  
South 67 deg. 57 min. 46 sec. East, a distance of 26.49 feet;  
North 74 deg. 33 min. 23 sec. East, a distance of 30.63 feet;  
South 39 deg. 53 min. 10 sec. East, a distance of 31.59 feet;  
North 84 deg. 51 min. 32 sec. East, a distance of 101.77 feet;  
North 28 deg. 03 min. 34 sec. West, a distance of 45.89 feet;  
North 71 deg. 14 min. 49 sec. East, a distance of 83.44 feet;  
North 08 deg. 59 min. 51 sec. West, a distance of 64.92 feet;

South 78 deg. 09 min. 22 sec. East, a distance of 54.50 feet;  
North 65 deg. 14 min. 44 sec. East, a distance of 19.88 feet;  
North 11 deg. 34 min. 52 sec. East, a distance of 55.70 feet;  
North 08 deg. 14 min. 01 sec. East, a distance of 53.69 feet;  
North 23 deg. 50 min. 07 sec. East, a distance of 97.90 feet;  
North 62 deg. 11 min. 20 sec. East, a distance of 54.36 feet;

THENCE North 35 deg. 09 min. 55 sec. West, along the West Right-of-Way of a 80 foot proposed public road, a distance of 50.48 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE, Northeasterly, along the West Right-of-Way of said 80 foot proposed public road, a distance of 447.52 feet along the arc of a curve to the right, said curve having a central angle of 75 deg. 24 min. 50 sec., radius of 340.00 feet, a chord which bears North 02 deg. 32 min. 30 sec. East, and a chord distance 415.90 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE North 40 deg. 14 min. 55 sec. East, along the Northwest Right-of-Way of said 80 foot proposed public road, a distance of 794.98 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE, Northeasterly, along the Northwest Right-of-Way of said 80 foot proposed public road, a distance of 97.57 feet along the arc of a curve to the right, said curve having a central angle of 08 deg. 44 min. 05 sec., radius of 640.00 feet, a chord which bears North 44 deg. 36 min. 57 sec. East, and a chord distance 97.47 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE North 48 deg. 59 min. 00 sec. East, along the Northwest Right-of-Way of said 80 foot proposed public road, a distance of 946.99 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE, Northeasterly, along the cutback corner of the Northwest Right-of-Way of said 80 foot proposed public road and the Southwest Right-of-Way of F. M. 2854 (a Variable R.O.W. at this point), a distance of 38.02 feet along the arc of a curve to the left, said curve having a central angle of 87 deg. 08 min. 15 sec., radius of 25.00 feet, a chord which bears North 05 deg. 24 min. 52 sec. East, and a chord distance 34.46 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE South 38 deg. 09 min. 15 sec. East, along the Southwest Right-of-Way of said F. M. 2854, a distance of 83.26 feet to a point for corner, from which a concrete Right-of-Way post was found North, 1.03 feet, and West, 0.38 feet;

THENCE South 41 deg. 01 min. 00 sec. East, along the Southwest Right-of-Way of said F. M. 2854, a distance of 45.60 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE, Northwesterly, along the cutback corner of the Southeast Right-of-Way of said 80 foot proposed public road and the Southwest Right-of-Way of said F. M. 2854, a distance of 39.27 feet along the arc of a curve to the left, said curve having a central angle of 90 deg. 00 min. 00 sec., radius of 25.00 feet, a chord which bears North 86 deg. 01 min. 00 sec. West, and a chord distance 35.36 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE South 48 deg. 59 min. 00 sec. West, along the Southeast Right-of-Way of said 80 foot proposed public road, a distance of 831.72 feet to a point in the centerline of MOUND CREEK;

THENCE along the centerline of the meanders of MOUND CREEK the following courses and distances:

South 32 deg. 45 min. 59 sec. East, a distance of 11.14 feet;  
North 43 deg. 41 min. 20 sec. East, a distance of 41.28 feet;  
North 70 deg. 51 min. 43 sec. East, a distance of 101.51 feet;  
North 85 deg. 00 min. 23 sec. East, a distance of 43.16 feet;

South 53 deg. 19 min. 23 sec. East, a distance of 19.44 feet;  
South 44 deg. 29 min. 09 sec. East, a distance of 26.26 feet;  
South 09 deg. 44 min. 06 sec. East, a distance of 23.02 feet;  
South 17 deg. 10 min. 05 sec. West, a distance of 85.52 feet;  
South 06 deg. 55 min. 49 sec. West, a distance of 29.16 feet;  
South 62 deg. 20 min. 17 sec. East, a distance of 101.31 feet;  
South 26 deg. 09 min. 12 sec. West, a distance of 54.88 feet;  
South 02 deg. 24 min. 42 sec. East, a distance of 31.87 feet;  
South 48 deg. 57 min. 08 sec. East, a distance of 25.43 feet;  
South 83 deg. 49 min. 41 sec. East, a distance of 62.19 feet;  
South 88 deg. 23 min. 39 sec. East, a distance of 75.18 feet;  
South 62 deg. 26 min. 04 sec. East, a distance of 57.42 feet;  
South 76 deg. 14 min. 50 sec. East, a distance of 55.37 feet;  
South 63 deg. 47 min. 25 sec. East, a distance of 42.98 feet;  
South 44 deg. 09 min. 11 sec. East, a distance of 43.52 feet;  
South 16 deg. 39 min. 34 sec. West, a distance of 47.88 feet;  
South 64 deg. 53 min. 27 sec. West, a distance of 68.28 feet;  
South 12 deg. 36 min. 43 sec. West, a distance of 64.59 feet;  
South 52 deg. 15 min. 36 sec. West, a distance of 29.83 feet ;  
South 74 deg. 05 min. 54 sec. West, a distance of 56.44 feet;  
South 33 deg. 05 min. 08 sec. West, a distance of 38.80 feet;  
South 04 deg. 27 min. 57 sec. East, a distance of 52.65 feet;  
South 73 deg. 48 min. 42 sec. East, a distance of 70.29 feet;  
South 24 deg. 48 min. 53 sec. East, a distance of 148.29 feet;  
South 32 deg. 13 min. 58 sec. East, a distance of 64.57 feet;  
South 70 deg. 53 min. 17 sec. East, a distance of 62.18 feet;  
North 79 deg. 21 min. 22 sec. East, a distance of 66.64 feet;  
South 62 deg. 39 min. 30 sec. East, a distance of 126.31 feet;  
North 61 deg. 24 min. 52 sec. East, a distance of 48.83 feet;  
South 85 deg. 54 min. 07 sec. East, a distance of 46.60 feet;  
South 10 deg. 50 min. 10 sec. East, a distance of 27.44 feet;  
South 22 deg. 16 min. 26 sec. West, a distance of 79.19 feet;  
South 46 deg. 15 min. 00 sec. East, a distance of 20.39 feet;  
South 89 deg. 10 min. 23 sec. East, a distance of 39.29 feet;  
South 76 deg. 27 min. 04 sec. East, a distance of 67.90 feet;

THENCE North 18 deg. 59 min. 00 sec. East, along the Northwest Right-of-Way of said 80 foot proposed public road, a distance of 11.89 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE, Northeasterly, along the Northwest Right-of-Way of said 80 foot proposed public road, a distance of 335.10 feet along the arc of a curve to the right, said curve having a central angle of 30 deg. 00 min. 00 sec., radius of 640.00 feet, a chord which bears North 33 deg. 59 min. 00 sec. East, and a chord distance 331.29 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE North 48 deg. 59 min. 00 sec. East, along the Northwest Right-of-Way of said 80 foot proposed public road, a distance of 423.24 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE, Northeasterly, along the cutback corner of the Northwest Right-of-Way of said 80 foot proposed public road and the Southwest Right-of-Way of F. M. 2854 (a 120 foot R.O.W. at this point), a distance of 39.27 feet along the arc of a curve to the left, said curve having a central angle of 90 deg. 00 min. 00 sec., radius of 25.00 feet, a chord which bears North 03 deg. 59 min. 00 sec. East, and a chord distance 35.36 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE South 41 deg. 01 min. 00 sec. East, along the Southwest Right-of-Way of said F. M. 2854, a distance of 130.00 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE, Northwesterly, along the cutback corner of the Southeast Right-of-Way of said 80 foot proposed public road and the Southwest Right-of-Way of said F. M. 2854, a distance of 39.27 feet along the arc of a curve to the left, said curve having a central angle of 90 deg. 00 min. 00 sec., radius of 25.00 feet, a chord which bears North 86 deg. 01 min. 00 sec. West, and a chord distance 35.36 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE South 48 deg. 59 min. 00 sec. West, along the Southeast Right-of-Way of said 80 foot proposed public road, a distance of 423.24 feet to a 5/8 inch iron rod with a cap found at a point for corner;

THENCE, Southwesterly, along the Southeast Right-of-Way of said 80 foot proposed public road, a distance of 265.93 feet along the arc of a curve to the left, said curve having a central angle of 27 deg. 12 min. 30 sec., radius of 560.00 feet, a chord which bears South 35 deg. 22 min. 45 sec. West, and a chord distance 263.44 feet to a point in the centerline of MOUND CREEK;

THENCE along the centerline of the meanders of MOUND CREEK the following courses and distances:

North 79 deg. 06 min. 22 sec. East, a distance of 5.63 feet;

South 89 deg. 22 min. 32 sec. East, a distance of 42.61 feet;

South 53 deg. 38 min. 15 sec. East, a distance of 52.91 feet;

South 10 deg. 00 min. 38 sec. East, a distance of 48.31 feet;

South 00 deg. 39 min. 18 sec. East, a distance of 60.67 feet;

South 40 deg. 54 min. 03 sec. East, a distance of 69.33 feet;

North 79 deg. 46 min. 36 sec. East, a distance of 44.35 feet;

North 68 deg. 56 min. 18 sec. East, a distance of 40.84 feet;

South 77 deg. 53 min. 09 sec. East, a distance of 47.98 feet;

South 44 deg. 32 min. 27 sec. East, a distance of 51.46 feet;

South 60 deg. 01 min. 25 sec. East, a distance of 47.35 feet to the POINT OF BEGINNING, containing within these calls 127.462 Acres or 5,552,255 Square Feet of land, prepared by Donald K. Hall, R.P.L.S. No. 4070 dated March 25, 2015.

WITNESS MY HAND AND SEAL THIS THE 25<sup>th</sup> DAY OF March, 2015.



Donald K. Hall Registered Professional Land Surveyor No. 4070



14306 Summerwood Lakes Drive  
Houston, Texas 77044-5078



Phone: (281) 225:8876  
Fax : (281) 225:8877  
JOB No.: 315#1180

## METES AND BOUNDS DESCRIPTION

Of 63.453 Acres or 2,764,010 Square Feet of land being part of that certain 84.5162 Acre tract of land conveyed from Julius D. Heldman, et ux to CONGREGATION OF THE INCARNATE WORD AND BLESSED SACRAMENT by a deed dated September 15, 2011 and recorded under Clerk's File No. 8210670 of the Real Property Records of Montgomery County, Texas (R.P.R.M.C.T.), and being all of that certain 19.033 Acre tract of land conveyed from CONGREGATION OF THE INCARNATE WORD AND BLESSED SACRAMENT to MONTGOMERY INDEPENDENT SCHOOL DISTRICT by a deed dated September 15, 2011 and recorded under Clerk's File No. 2011082565, lying in the RALEIGH ROGERS Survey, Abstract No. 33, in Montgomery County, Texas, said 63.453 Acre tract is more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the North Right-of-Way of Keenan Cutoff Road (a 80 foot R.O.W., Vol. 389, Pg. 317 and Vol. 391, Pg. 499, R.P.R.M.C.T.) with the Southeast corner of said 84.5162 Acre tract of land, and being the Southwest corner of that certain 0.5 acre tract of land conveyed from F. D. Johnson to Lamont Tanner, et al by a Judgment dated May 12, 1993 and recorded under Clerk's File No. 9349243, R.P.R.M.C.T., from which a 1/2 inch iron rod was found South, 0.21 feet;

THENCE South 84 deg. 44 min. 54 sec. West (Called South 87 deg. 32 min. 00 sec. West), along the North Right-of-Way of said Keenan Cutoff Road, a distance of 120.00 feet to a 5/8 inch iron rod with cap set at a point for corner;

THENCE North 05 deg. 43 min. 56 sec. West, a distance of 380.11 feet to a 5/8 inch iron rod with cap set at a point for corner;

THENCE South 84 deg. 45 min. 21 sec. West, a distance of 1292.37 feet to a 5/8 inch iron rod with cap set at a point for corner;

THENCE South 85 deg. 59 min. 15 sec. West, a distance of 74.61 feet to a 5/8 inch iron rod with cap set at a point for corner;

THENCE South 02 deg. 43 min. 47 sec. East, a distance of 380.03 feet to a 5/8 inch iron rod with cap set at a point for corner;

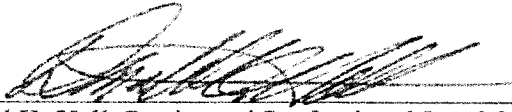
THENCE South 86 deg. 15 min. 31 sec. West (Called South 87 deg. 32 min. 00 sec. West), along the North Right-of-Way of said Keenan Cutoff Road, a distance of 120.02 feet to a 5/8 inch iron rod with cap found at a point for corner;

THENCE North 02 deg. 43 min. 47 sec. West, along the East line of the 7.055 Acre remainder of said 84.5162 Acre tract of land, at a distance of 380.38 feet pass a concrete monument found at the Southeast corner of that certain 58.838 Acre tract of land conveyed from FEDERAL DEPOSIT INSURANCE CORPORATION to Justin Hasara and Darin Borders by a deed dated April 9, 2014 and recorded under Clerk's File No. 2014035086, R.P.R.M.C.T., and continuing in all a distance of 2122.77 feet to a 1/2 inch iron rod found at a point for corner;

THENCE North 87 deg. 22 min. 47 sec. East, along the most Westerly South line of that certain 52.35 Acre Tract of land conveyed from F.D. Johnson to Odis Edward Johnson, et al by a Judgment dated May 12, 1993 and recorded under Clerk's File No. 9349243, R.P.R.M.C.T., at a distance of 654.81 feet pass a 5/8 inch iron rod with cap found at the Northwest corner of said 19.033 Acre tract of land, and continuing in all a distance of 1517.81 feet to a 1/2 inch iron rod found at a point for corner;

THENCE South 05 deg. 43 min. 56 sec. East, along the most Southerly West line of said 52.35 Acre tract of land, at a distance of 935.00 feet pass a 5/8 inch iron rod with cap found at the Southeast corner of said 19.033 Acre tract of land, at a distance of 1693.48 feet pass the Northwest corner of said 0.5 Acre tract of land, and continuing in all a distance of 2056.48 feet to the POINT OF BEGINNING. containing within these calls 63.453 Acres or 2,764.010 Square Feet of land, prepared by Donald K. Hall, R.P.L.S. No. 4070 dated March 25, 2015.

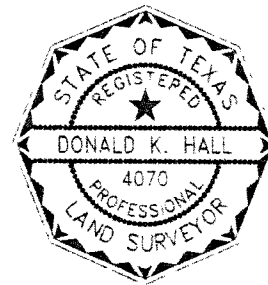
WITNESS MY HAND AND SEAL THIS THE 25th DAY OF March, 2015.



Donald K. Hall, Registered Professional Land Surveyor No. 4070



14306 Summerwood Lakes Drive  
Houston, Texas 77044-5078



Phone: (281) 225:8876  
Fax : (281) 225:8877  
JOB No.: 315#1222

**ATTACHMENT 6**

MONTGOMERY INDEPENDENT SCHOOL DISTRICT EXPANSION

**Response to Question 3. Map Requirements**

**3.D. Facilities Map**



**OVERSIZED DOCUMENT(S)**

**TO VIEW**

**OVERSIZED DOCUMENT(S)**

**PLEASE GO TO**

**CENTRAL RECORDS**

**(512) 936-7180**

**ATTACHMENT 7**

**MONTGOMERY INDEPENDENT SCHOOL DISTRICT EXPANSION**

**Response to Question 4. A. New System Information**

**4. A. i. List of Public Drinking Water or Sewer Systems within a 2 mile radius**

**See Attachment 7. A. i.**

**4. A. ii. Copies of written request sent to each**

**See Attachment 7. A. ii.**

**4. A. iii. Written Response or Evidence of No Reply**

**See Attachment 7. A. iii.**

**4. A. iv. For Sewer Facilities, Application for Wastewater Discharge Permit**

**See Attachment 7. A. iv.**

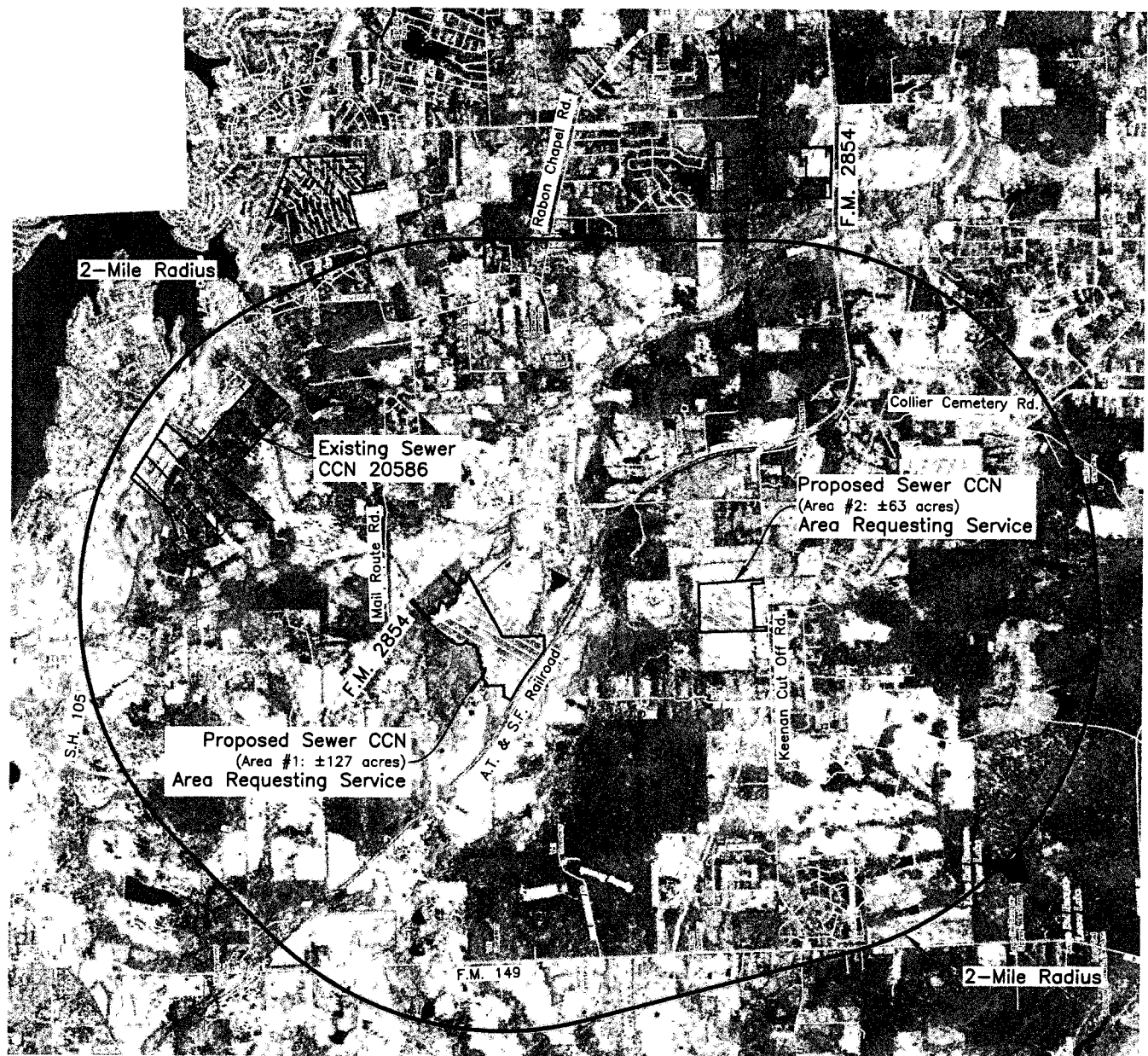
**ATTACHMENT 7. A. i.**

**MONTGOMERY INDEPENDENT SCHOOL DISTRICT EXPANSION**

**Response to Question 4. A. i.**

**Systems within 2 Miles of Requested Service Area**

**See Attached List for Holders of Sewer CCN's within 2 miles**



Existing Sewer CCN Area within 2-miles of the Proposed Sewer CCN Area

CCN 20586 – SC Utilities  
 c/o Aucoin & Associates, Inc.  
 8765 Spring Cypress Road, Suite L173  
 Spring, Texas 77379  
 Phone: (832) 309-9253



*J. Dale Browne, Jr.*

DATE: 03/26/15  
 DRAWN BY: JDB  
 DESIGNED BY: JDB



**McCLURE & BROWNE  
 ENGINEERING/SURVEYING, INC.**

1008 Woodcreek Drive, Suite 103  
 College Station, Texas 77845  
 (979) 693-3838  
 Firm Reg. No. F-458

Scale: 1" = ±4,000'

**EXHIBIT "B"**  
**EXISTING SEWER CCN**  
**AREAS WITHIN 2-MILES**  
**Sewer CCN Application**  
**MSEC Enterprises, Inc.**  
**CCN 20984**

**ATTACHMENT 7. A. ii.**

MONTGOMERY INDEPENDENT SCHOOL DISTRICT EXPANSION

**Response to Question 4. A. ii.**

**4. A. ii. Copies of written request sent to each**

**See Attached Request**



**McCLURE & BROWNE ENGINEERING/SURVEYING, INC.**

1008 Woodcreek Dr., Suite 103 · College Station, Tx. 77845 · (979) 693-3838

Engineer Reg No F-458  
Survey Reg No 101033-00

December 9, 2014

CERTIFIED MAIL  
7006 2150 0002 5285 7347

SC Utilities  
c/o O'Quinn & Associates  
ATTN: Pat O'Quinn  
8765 Spring Cypress Road, Suite L173  
Spring, Texas 77379

Re.: SC Utilities Wastewater Facilities  
Permit No. WQ0014468001  
CCN 20586  
MBESI No. 10260076

Dear Mr. O'Quinn,

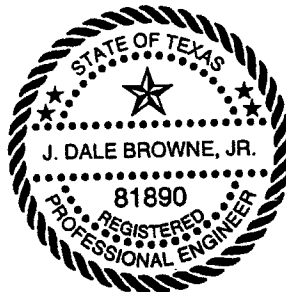
This letter is being sent to you on behalf of MSEC Enterprises, Inc. (MSEC) regarding the installation of a new wastewater treatment plant (WWTP) near the intersection of F.M. 2854 and Mail Route Road in Montgomery County. Please find attached Exhibit "A" that shows the location of the SC Utilities Wastewater CCN boundary as it relates to the proposed MSEC WWTP. The new WWTP will have an initial average daily capacity of 20,000 g.p.d. with a final average daily capacity of 130,000 g.p.d. The estimated initial start-up date for the WWTP February 2017 and the final expansion is estimated to be placed into service in February 2021.

In accordance with 30 Texas Administrative Code Section 291.102 (b) and as required in Section 3 of the Domestic Technical Report 1.1 of the TCEQ Domestic Wastewater Permit Application, we are required to contact all wastewater providers/operators within three (3) miles of the proposed WWTP to determine if: 1) the existing wastewater facility has capacity and you are interested in providing the requested wastewater service, 2) the wastewater facility does not have the capacity, but you are willing to expand to provide requested wastewater service, or 3) you are not interested in providing the requested wastewater service. I have prepared and attached a letter for your review. Please check the appropriated response and having the appropriate authority representing the SC Utilities sign the letter. Once executed, please return the letter back to me in the enclosed self-address stamped envelope.

If this information needs to be sent to a different individual within the organization for execution, please contact me immediately. Please respond within ten (10) business days. Your failure to respond within that time will be deemed to be a rejection of the request. I appreciate your help regarding this matter and do not hesitate to contact me if you have any questions or need any additional information.

Sincerely,

J. Dale Browne, Jr., P.E., CFM  
President



Enclosures (3)

LETTER OF INTEREST/NON-INTEREST  
IN PROVIDING  
WASTEWATER SERVICE

Date: \_\_\_\_\_

MSEC Enterprises, Inc.  
c/o McClure & Browne Engineering/Surveying, Inc.  
ATTN: J. Dale Browne, Jr., P.E.  
1008 Woodcreek Drive, Suite 103  
College Station, Texas 77845

Re.: SC Utilities Wastewater Facilities  
Permit No. WQ0014468001  
CCN 20586  
MBESI No. 10260076

Dear Mr. Browne:

The following is our response to your letter regarding the proposed MSEC WWTP to be constructed near the intersection of F.M. 2854 and Mail Route Road in Montgomery County, Texas.

- ☐ Yes, we have the capacity to accept the proposed wastewater volume and are interested in providing the requested wastewater service.
- ☐ No, we do not have capacity to accept the proposed wastewater volume but are willing to expand to provide the requested wastewater service.
- ☐ No, we are not interested in providing the requested wastewater service.

Thanks you.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Utility Name

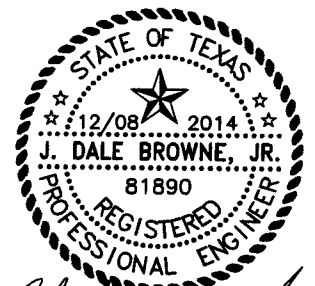
\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email Address



SC Utilities  
 c/o Pat O'Quinn  
 O'Quinn & Associates  
 8765 Spring Cypress Road, Suite L173  
 Spring, Texas 77379-3195  
 Phone: (281) 583-6855  
 Permit No. WQ0014468001  
 CCN 20586



*J. Dale Browne, Jr.*

**EXHIBIT "A"**  
**WWTP 3-MILE RADIUS MAP**

MSEC Enterprises, Inc.  
 Montgomery, Texas

Scale 1" = ±4,000'



**McCLURE & BROWNE**  
**ENGINEERING/SURVEYING, INC.**

1008 Woodcreek Drive, Suite 103  
 College Station, Texas 77845  
 (979) 693-3838  
 Firm Reg. No. F-458

DATE: 12/08/14

DRAWN BY: JDB

DESIGNED BY: JDB



**ATTACHMENT 7.A.iii.**

MONTGOMERY INDEPENDENT SCHOOL DISTRICT EXPANSION

**Response to Question 4. A. iii.**

**4. A. iii. Written Response or Evidence of No Reply**

**See Attached**

LETTER OF INTEREST/NON-INTEREST  
IN PROVIDING  
WASTEWATER SERVICE

Date: 12-12-14

MSEC Enterprises, Inc.  
c/o McClure & Browne Engineering/Surveying, Inc.  
ATTN: J. Dale Browne, Jr., P.E.  
1008 Woodcreek Drive, Suite 103  
College Station, Texas 77845

Re.: SC Utilities Wastewater Facilities  
Permit No. WQ0014468001  
CCN 20586  
MBESI No. 10260076

Dear Mr. Browne:

The following is our response to your letter regarding the proposed MSEC WWTP to be constructed near the intersection of F.M. 2854 and Mail Route Road in Montgomery County, Texas.

☐ Yes, we have the capacity to accept the proposed wastewater volume and are interested in providing the requested wastewater service.

☐ No, we do not have capacity to accept the proposed wastewater volume but are willing to expand to provide the requested wastewater service.

☒ No, we are not interested in providing the requested wastewater service.

Thanks you,

Signature

Name

Title

Utility Name

Address

Phone Number

Email Address

PAT AUCAIL - PRES  
S.C. UTILITIES  
832. 309.9253