



Control Number: 44740



Item Number: 8

Addendum StartPage: 0

DOCKET NO. 44740

**APPLICATION MSEC ENTERPRISES,
INC. TO AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
MONTGOMERY COUNTY** §
§
§
§

PUBLIC UTILITY COMMISSION 08
2015 AUG 17
PUBLIC UTILITY COMMISSION
OF TEXAS
CLERK

COMMISSION STAFF'S RESPONSE TO ORDER NO. 2

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

I. BACKGROUND

On May 18, 2015, MSEC Enterprises, Inc. (MSEC or Applicant) filed an application to amend sewer certificate of convenience and necessity (CCN) No. 20984 in Montgomery County. In Order No. 2 was issued on June 19, 2015, in which the administrative law judge found the application to be administratively incomplete and deficient, and required, on or before July 17, 2015, for MSEC to amend its application to cure the deficiencies identified by Staff, and for Staff, on or before August 17, 2015, to file a supplemental recommendation regarding administrative completeness of the amended application along with a proposed procedural schedule, if appropriate.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed the additional information submitted by MSEC. Staff recommends that the application be declared administratively complete, as supported by the attached memorandum from Fred Bednarski, Financial & Managerial Review Specialist, and Komal Patel, GIS Specialist in the Water Utilities Division.

III. PROCEDURAL SCHEDULE

Staff recommends the following procedural schedule:

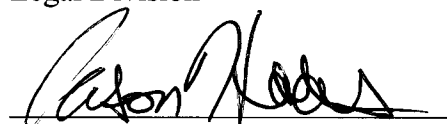
Event	Date
Deadline for Applicant to file affidavits of proof of notice and publication	Within 30 days of the date of notice and 30 days of the last publication date
Deadline for intervention; deadline for intervenors to file comments or request a hearing on the merits	Within 30 days of mailing or publication of notice, whichever occurs later ¹
Staff to propose an additional procedural schedule, request a hearing, or file a final recommendation.	October 19, 2015

Dated: August 17, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director

Karen Hubbard
Managing Attorney
Legal Division

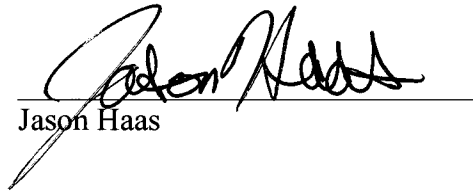


Jason Haas
Attorney-Legal Division
State Bar No. 24032386
(512) 936-7295 (telephone)
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

¹ 16 Tex. Admin. Code § 24.106(a)(3).

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on August 17, 2015, in accordance with 16 TAC § 22.74.



Jason Haas

PUC Interoffice Memorandum

To: Jason Hass
Legal Division

Thru: Lisa Fuentes, Team Lead
Water Utilities Division

From: Fred Bednarski, Financial & Managerial Review Specialist
Komal Patel, GIS Specialist
Water Utilities Division

Date: August 17, 2015

Subject: Docket No. 44740; Application Mid-South Senergy (MSEC) Enterprises, Inc. to amend its Sewer Certificate of Convenience and Necessity (CCN) No. 20984 held in Montgomery County.

MSEC Enterprises, Inc. (Applicant) filed an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 20984 and in Montgomery County, pursuant to Texas Water Code (TWC) §§ 13.242 thru 13.250 and P.U.C. SUBST. R. 24.101 thru 24.107.

I have reviewed the above referenced application and have found that it is sufficient in the content provided; therefore, I recommend that the application be deemed administratively complete. I further recommend 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) published notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County;
- 2) In addition to the neighboring entities listed in the application, the Applicant must provide notice to: Martin Creek MUD, San Jacinto River Authority (SJRA), Stanley Lake MUD, City of Conroe, City of Montgomery, Montgomery County, and the Lonestar Groundwater Conservation District (GCD)
- 3) The Applicant must include copy of a map showing the proposed service area with the individual notices to neighboring utilities, 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 by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>.
- 4) The Applicant be ordered to return a copy of the actual notices sent with attached signed affidavits that the notice was given within 30 days of providing notice.

Notice for Publication

NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE SEWER UTILITY SERVICE IN MONTGOMERY COUNTY, TEXAS

MSEC Enterprises, Inc. filed an application with the Public Utility Commission of Texas to amend CCN No. 20984 to provide sewer service in Montgomery County.

The proposed utility service area is located approximately 4 miles southeast of downtown of Montgomery, Texas, and is generally bounded on the north by FM 2854; on the east by FM 2854 & Adoue Rd; on the south by Keenan Cut-off; and on the west by Forest Hills Dr. extending 1.35 miles north.

The total area being requested includes approximately 191 acres and no current customers.

A copy of the proposed service area map is available at: 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 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 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 request 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:

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

Notice to Neighboring Systems, Landowners and Cities

**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE SEWER UTILITY SERVICE IN MONTGOMERY COUNTY,
TEXAS**

To: _____
(Neighboring System, Landowner or City)

(Address)

(City State Zip)

Date Notice Mailed: _____, 2015

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The proposed utility service area is located approximately 4 miles southeast of downtown of Montgomery, Texas, and is generally bounded on the north by FM 2854; on the east by FM 2854 & Adoue Rd; on the south by Keenan Cut-off; and on the west by Forest Hills Dr. extending 1.35 miles north.

See enclosed map of the proposed service area.

The total area being requested includes approximately 191 acres and no current customers.

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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.

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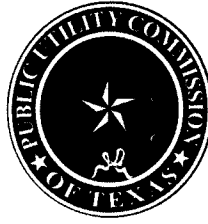
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Si desea informacion en Espanol, puede llamar al 1-512-936-7221.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND AFFECTED PARTIES
DOCKET NO. _____

STATE OF TEXAS
COUNTY OF _____

_____ has provided
individual notice to the following entities and landowners:

DATE

OATH

I, _____, being duly sworn, file this form as

_____ (indicate relationship to applicant, that is, owner, member of 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.

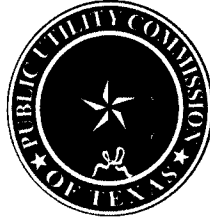
Subscribed and sworn to before me this _____ day of _____, 20____, to
certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

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 _____
(TITLE)
of the _____
(NAME OF NEWSPAPER)
that said newspaper is regularly published in: _____
(COUNTY/COUNTIES)
and generally circulated in _____, Texas: and
(COUNTY/COUNTIES)
that the attached notice was published in said newspaper on the following date(s), 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 _____