



Control Number: 44875



Item Number: 16

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APPLICATION OF AQUA TEXAS, INC. DBA AQUA TEXAS TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY IN MONTGOMERY COUNTY	§ § § § §	PUBLIC UTILITY COMMISSION OF TEXAS	2016 JAN 19 AM 10:56 PUBLIC UTILITY COMMISSION FILING CLERK
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COMMISSION STAFF'S SUFFICIENCY RECOMMENDATION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Sufficiency Recommendation recommending that the application is sufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On June 24, 2015, Aqua Texas, Inc. d/b/a Aqua Texas (Applicant) filed an application to amend its water and sewer certificates of convenience and necessity (CCN) No.s 13203 and 21065 in Montgomery County, Texas, pursuant to Tex. Water Code Ann. Subchapter G and Title 16, Tex. Admin. Code (16 TAC) Subchapter G. In this application, the Applicant requests the addition of approximately 195.46 acres of property owned by Pulte Homes.

On November 24, 2015, the Administrative Law Judge issued Order No. 4 finding the application deficient. Order No. 4 allowed time for the Applicant to cure its application and allowed Staff until January 18, 2016 to file a supplemental recommendation regarding administrative completeness of the amended application.

II. SUFFICIENCY RECOMMENDATION

Based on the attached memorandum from Debbie Reyes Tamayo and Tracy Montes of the Water Utilities Division, Staff recommends that the application be deemed sufficient for filing and that the Applicant be ordered to issue notice consistent with Staff's recommendation. Notice includes actual mailed notice and published notice for two consecutive weeks in a newspaper of general circulation in Montgomery County. Staff has determined that the additional explanation and information provided in Applicant's filings on October 22, 2015 and December 21, 2015 sufficiently addressed the overlap with Montgomery County Municipal Utility District No. 47. Therefore, Staff no longer recommends that the Applicant obtain consent from Montgomery County Municipal Utility District No. 47.

III. PROCEDURAL SCHEDULE

Staff recommends the following proposed procedural schedule:

Event	Date
Deadline for Applicant to submit the Affidavits of Notice, the individual notice issued with the accompanying map, and the published notice.	February 16, 2016
Deadline for filing Comments or Request for Intervention, and deadline for Intervenors to request a hearing.	30 days after Applicant mails or publishes notice, whichever occurs later
Deadline for Staff to file an additional procedural schedule with hard deadlines. ¹	February 23, 2016

IV. CONCLUSION

Staff requests that the Commission issue an order consistent with this Sufficiency Recommendation.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division



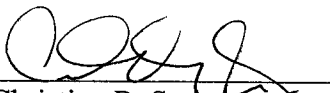
Christina R. Switzer
Attorney-Legal Division
State Bar No. 24066171
(512) 936-7216
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

¹ Thirty days after Staff receives the Affidavits of Notice, Staff will know whether comments have been filed or a hearing has been requested by Intervenors, and Staff will be able to set other procedural deadlines appropriately.

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 15, 2016, in accordance with 16 TAC § 22.74.


Christina R. Switzer

PUC Interoffice Memorandum

To: Christina Switzer, Attorney
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Work Leader
Water Utility Regulation

From: Debbie Reyes Tamayo, Program Specialist
Tracy Montes, GIS Specialist
Water Utilities Division

Date: January 15, 2016

Subject: **Docket No. 44875**, *Application of Aqua Texas, Inc. dba Aqua Texas to amend Certificates of Convenience and Necessity in Montgomery County*

On May 22, 2014, Aqua Texas, Inc. dba Aqua Texas (Applicant), filed an application to amend Certificates of Convenience and Necessity (CCNs) Nos. 13203 and 21065, in Montgomery County, Texas. The application is being reviewed under Tex. Water Code § 13.246 (TWC) and 16 Tex. Admin. Code §§ 24.102, 24.105, and 24.107.

On October 22, 2015 and December 21, 2015, the Applicant filed information in response to Order Nos. 3 and 4. Staff has considered the Applicant's additional information including supplemental maps, tax records and district digital data obtained from Montgomery Central Appraisal District, and finds that is sufficiently addresses the overlap with Montgomery County MUD No. 47. District consent for the overlap is no longer required for this application.

Staff recommends that the application be deemed sufficient for filing and that the Applicant be ordered to issue the attached notices as directed below:

- 1) In addition to those entities listed in the application, the Applicant must also notice the following entities located within a 2-mile buffer of the proposed water and sewer service areas requested with this application in accordance with 16 TAC § 24.106(b)(2):
 - Montgomery County Judge
 - Lone Star Groundwater Conservation District
 - Montgomery Place Water System (CCN No. 12639)
 - Montgomery County MUD 7
 - Montgomery County MUD 66
 - Montgomery County MUD 68
 - Montgomery County MUD 85
 - Montgomery County MUD 86
 - Montgomery County MUD 139
 - Westwood Magnolia Parkway Improvement District
 - San Antonio River Authority

- 2) Provide the correct notice of the application to the following in accordance with 16 TAC § 24.106(b)(2):
 - a) any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of the proposed service areas;
 - b) any city with an extraterritorial jurisdiction which overlaps the proposed service areas; and
 - c) any customers transferred, or other affected parties in the requested area; and
 - d) notice to the public which must be published once a week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County.
- 3) Include a copy of a map showing the proposed service areas with the individual notices to neighboring utilities, customers and other affected parties. It is the Applicant's burden to provide an accurate map delineating the proposed service areas 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/>

Within 30 days of the Commission order, the Applicant should file a copy of the actual notice and map issued with the individual mailed notice, tearsheets of the published notice, and the signed affidavits (copies attached), indicating that the publication and notice was given in accordance with 16 TAC § 24.106(b)(6).

TB/DRT

Notice for Publication

**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY (CCN'S) IN
MONTGOMERY COUNTY, TEXAS**

Aqua Texas, Inc. has filed an application with the Public Utility Commission of Texas to amend their water and sewer CCN's No. 13203 and 21065 Montgomery County.

The proposed utility service area is located approximately **8** miles **southwest** direction of downtown **Conroe**, Texas, and is generally bounded on the north by **FM1488**; on the east by **Buckshot Lane**; on the south by **Research Forest DR.**; and on the west by **Stonebridge Church DR.**

The proposed water and sewer service area being amended includes approximately 195 total acres which includes 0 current customers.

A copy of the proposed service area map is available at: **2211 Louetta Spring Rod, Spring Texas 77388, (281)-651-0174.**

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 and Cities

NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN'S) IN MONTGOMERY COUNTY, TEXAS

To: _____ Date Notice Mailed: ____, 2016
(Name of Neighboring systems, cities)

(Address)

(City State Zip)

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The proposed water and sewer service area being amended includes approximately 195 total acres which includes 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.

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PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NOTICE NEIGHBORING SYSTEMS AND CITIES

DOCKET NO. 44875

STATE OF TEXAS
COUNTY OF _____

_____ 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 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 for 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. 44875

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 _____

(COUNTY/COUNTIES)

, Texas: and

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 _____