



Control Number: 45025



Item Number: 9

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**DOCKET NO. 45025**

**APPLICATION OF SPRING CREEK  
TRAILS LLC AND SPRINGLIFE  
WATERWELL FOR SALE,  
TRANSFER, OR MERGER OF  
FACILITIES AND CERTIFICATE  
RIGHTS IN HARRIS COUNTY**

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**PUBLIC UTILITY COMMISSION**

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**OFF TEXAS**  
FILING CLERK

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 2**

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

**I. Background**

On August 6, 2015, Spring Creek Trails LLC (Spring Creek) and Springlife Waterwell (Springlife) (collectively, Applicants) filed an application for approval of a sale, transfer, or merger of facilities and certificate rights in Harris County (Application) pursuant to Tex. Water Code Ann. §§ 13.301, 13.246, and 13.301 (TWC) and 16 Tex. Admin. Code §§ 24.102, 24.109, and 24.112 (TAC). The Applicants seek approval for Spring Creek's retail water Certificate of Convenience and Necessity (CCN) No. 11444 and associated facilities to be transferred to Springlife.

On September 9, 2015, the Administrative Law Judge (ALJ) issued Order No. 2 deeming the application administratively incomplete. On October 13, 2015, the Applicants filed supplemental documents. Order No. 2 also required Staff to file additional comments regarding administrative completeness, along with a proposed procedural schedule by November 5, 2015. Therefore, this Response is timely filed.

**II. Recommendation on Administrative Completeness**

As explained in the attached memorandum (Attachment A) of Debbie Reyes Tamayo and Kristy Nguyen of the Water Utilities Division, Staff has reviewed the supplemental filings and recommends that the Application be deemed sufficient for filing.

Staff has also attached the notice (Attachment B) the Applicants must provide to any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two miles of the proposed service area, any city with an extraterritorial jurisdiction which overlaps the proposed service area, and any customers transferred, or other affected parties in the requested area. In addition to those systems identified in the application, Staff recommends that the Applicants also provide notice to the entities listed in Attachment A.

Further, Staff has attached the affidavit (Attachment C) the Applicants must sign and file with Commission after providing notice in accordance with 16 TAC § 24.112(c). Additionally, the Applicants should provide an accurate map delineating the proposed area with each mailed notice. At this time, Staff recommends that the Applicants be allowed to proceed with providing notice for the proposed transaction and be given until **December 8, 2015** to file a copy of the actual notices issued, the map issued with the mailed notices, and a signed affidavit that the notice was given.

### **III. Proposed Procedural Schedule**

Staff recommends the following procedural schedule:

<b>Event</b>	<b>Date</b>
Deadline for Applicants to provide the Commission with the Affidavits of Notice	December 8, 2015
Deadline to intervene, and deadline for Intervenor to file Comments or to request a hearing	30 days after Applicants mails notice
Deadline for Staff to file an additional procedural schedule for the remainder of the proceeding <sup>1</sup>	December 18, 2015

### **IV. Conclusion**

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

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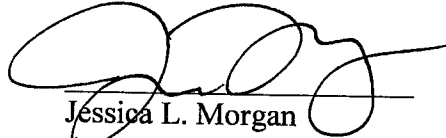
<sup>1</sup> Thirty days after Staff receives the Affidavits of Notice, Staff will know whether comments have been filed or a hearing has been requested by Intervenor, and Staff will be able to set other procedural deadlines appropriately.

**Dated: November 5, 2015**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Karen S. Hubbard  
Managing Attorney  
Legal Division

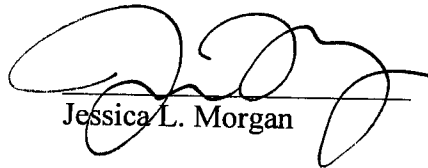


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P.O. Box 13326  
Austin, Texas 78711-3326

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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this November 5, 2015 in accordance with 16 TAC § 22.74.



Jessica L. Morgan

# Attachment A

## PUC Interoffice Memorandum

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**To:** Jessica Morgan  
Legal Division

**Thru:** Tammy Benter, Director  
Lisa Fuentes, Work Leader  
Water Utilities Division

**From:** Debbie Reyes Tamayo, Program Specialist  
Kristy Nguyen, GIS Specialist  
Water Utilities Division

**Date:** October 28, 2015

**Subject:** **Docket No. 45025;** *Application of Spring Creek Trails LLC and Springlife Waterwell for Sale, Transfer, or Merger of Facilities and Certificate Rights in Harris County*

On August 6, 2015, Spring Creek Trails LLC (Spring Creek or Seller) and Springlife Waterwell (Springlife or Buyer) (collectively, Applicants) filed an application with the Commission for approval of the sale, transfer or merger (STM) of facilities and service area of water Certificate of Convenience and Necessity No. 11444. As a result of the transaction, Spring Creek's water CCN No. 11444 will be cancelled. In addition, Springlife will acquire the facilities and service area from Spring Creek and will be registered as an exempt utility with the Commission. The application is being reviewed pursuant to the criteria in the Tex. Water Code Ann. §§ 13.241, 13.246, and 13.301 (TWC) and 16 Tex. Admin. Code §§ 24.102, 24.109, and 24.112 (TAC).

### **Notice Requirements**

1. Staff reviewed the information provided by the Applicants submitted on August 6, 2015, and recommends the Applicants be ordered to provide notice of the application to the following:
  - a) any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two miles of the proposed service area;
  - b) any city with an extraterritorial jurisdiction which overlaps the proposed service area; and
  - c) any customers transferred, or other affected parties in the requested area.
2. The Applicants provided an incomplete list of neighboring entities. In addition to the list provided to the neighboring entities within the 2-mile buffer of the proposed service area, please also include the following:
  - Aqua Texas - 13203
  - San Jacinto River Authority - 7490000
  - Montgomery County MUD No. 94 - 5858170
  - Spring Creek UD - 7591800
  - Montgomery County MUD 119 - 5857532
  - Montgomery County Drainage District No. 6 - 5854000

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Montgomery County MUD No. 89 - 5858160  
Rayford Road MUD – 7192000  
North Harris County Regional Water Authority – 5984800  
Harris County Flood Control District – 3630000  
Timberlane UD – 7786000  
Harris County MUD No. 82 – 3737212  
Port of Houston Authority – 7133000  
Coastal Water Authority – 2309000  
Spring West MUD – 7593525  
Harris County MUD No. 249 – 3737572  
Northgate Crossing MUD 2 - 5983700  
Harris County WCID No. 92 – 4205000  
Harris County WCID No. 110 – 4241100  
Northgate Crossing Road UD – 5983900  
Harris County ID No. 18 – 3736454  
Northgate Crossing MUD No. 1 – 5983650  
Old Town Spring ID – 6205100  
Gulf Coast Waste Disposal Authority – 3444000  
Harris-Galveston Coastal Subsidence District – 4419000  
Harris County  
City of Houston

3. Staff further recommends that the Applicants be ordered to return within 30 days of the commission's order deeming the application as accepted for filing, a copy of the actual notice sent with attached signed affidavit as proof that proper notice was given.

TB/DRT

# Attachment B



NOTICE TO CURRENT CUSTOMERS,  
NEIGHBORING SYSTEMS, LANDOWNER, CITIES, AND AFFECTED PARTIES

**SPRING CREEK TRAILS LLC NOTICE OF INTENT TO FILE AN  
APPLICATION FOR REGISTRATION AS AN EXEMPT UTILITY AND  
SELL, TRANSFER, OR MERGER CERTIFICATE OF CONVENIENCE  
AND NECESSITY (CCN) NO. 11444 TO SPRINGLIFE WATERWELL IN  
HARRIS COUNTY, TEXAS**

**Spring Creek Trails LLC.**      **24322 Park Gable Dr.**      **Spring**      **TX**      **77373**  
(Seller's or Transferor's Name)      (Address)      (City)      (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to file an application for registration as an exempt utility and sell, transfer, or merger of water facilities CCN No. 11444, in Harris County to:

**Springlife Waterwell**      **27810 Joey Circle,**      **Spring,**      **TX**      **77373**  
(Purchaser's or Transferee's Name)      (Address)      (City)      (State) (Zip Code)

The sale is scheduled to take place as approved by the Commission. (V.T.C.A., Water Code §13.301)

The area subject to this transaction is located approximately 5 miles south (direction) of downtown Oak Ridge North, Texas and is generally bounded on the north by Hardy Toll Road; on the east by Hardy Toll Road & Jean Street; on the south by Spring Creek Trails Street and on the west by Hardy Road.

Total area approximately 22 acres and serves 9 current customers.

This transaction will have the following effect on the current customer's rates and services:  
Customer service and water rates will remain the same. CCN No. 11444 will be cancelled and Springlife Waterwell will be registered as an exempt utility with the Commission.

Affected persons may file written protests and/or request a public hearing within 30 days of this notice.

To request a hearing, you must:

- (1) state your name, mailing address and daytime telephone number;
- (2) state the applicant's name, application number or another recognizable reference to this application;
- (3) include the statement "I/we request a public hearing";
- (4) write a brief description of how you, the persons you represent, or the public interest would be adversely affected by the proposed transaction and transfer of the CCN; and
- (5) state your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Only those persons who submit a written request to be notified of a hearing will receive notice if a hearing is scheduled. The Commission will issue the CCN requested in the referenced application unless a hearing is scheduled to consider the transaction. If no protests or requests for hearing are filed during the comment period, the Commission may issue the CCN 30 days after publication of this notice.

Persons who wish to protest or request a hearing on this application should write the:

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

**Se desea informacion en Espanol, puede llamar al  
1-888-782-8477**

Jose A. Salmeron

Utility Representative

Springlife Waterwell

Utility Name

# Attachment C

# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO NOTICE TO CURRENT CUSTOMERS, NEIGHBORING SYSTEMS, LANDOWNER, CITIES, AND AFFECTED PARTIES

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STATE OF TEXAS  
COUNTY OF Harris

\_\_\_\_\_ has provided individual  
notice to the following entities:

DATE

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

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

### OATH

I, \_\_\_\_\_, being duly sworn, file this form as  
\_\_\_\_\_ (indicate relationship to applicant, that is,  
owner, member 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 \_\_\_\_\_

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