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DOCKET NO. 45552

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APPLICATION OF OLD TAMINA  
WATER SUPPLY CORPORATION TO  
AMEND ITS WATER CERTIFICATE  
OF CONVENIENCE AND NECESSITY  
FOR DUAL CERTIFICATION WITH  
THE CITY OF SHENANDOAH IN  
MONTGOMERY COUNTY (37615-C)

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PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

**JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL**

COME NOW, the Old Tamina Water Supply Corporation together with the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, (collectively, the Parties), and file this Joint Motion to Admit Evidence and Proposed Notice of Approval in response to Order No. 17. In support thereof, the Parties show the following:

**I. BACKGROUND**

On January 28, 2016, the application of Old Tamina Water Supply Corporation (Old Tamina) to amend its water Certificate of Convenience and Necessity (CCN) No. 12289 for a dual certification with the City of Shenandoah (Shenandoah) and to obtain a new sewer CCN in Montgomery County was filed in Docket No. 45552. On May 27, 2016, the Commission Administrative Law Judge (ALJ) issued Order No. 5 severing Old Tamina's application to obtain a sewer CCN to Docket No. 45988. On August 9, 2017, Old Tamina filed revisions to its application to amend its water CCN. On April 17, 2018, the ALJ issued Order No. 15, which deemed Old Tamina's application to amend its water CCN administratively complete. On June 11, 2018, the ALJ issued Order No. 16, which deemed Old Tamina's notice of its application sufficient. On August 6, 2018, Old Tamina filed its consent form to the final map and certificate. On August 29, 2018, the ALJ issued Order No. 17, which established a deadline of September 7, 2018, for the parties to file joint proposed findings of fact and conclusions of law. Therefore, this pleading is timely filed.

**JOINT MOTION TO ADMIT EVIDENCE**

The Parties move to admit the following into the record evidence of this proceeding:

- (a) Old Tamina Water Supply Corporation's Application, filed in Docket No. 45552 on January 28, 2016 (AIS Item No. 1);

- (b) Old Tamina Water Supply Corporation's supplements to its application filed on January 28, 2016, February 1, 2016, April 13, 2016, March 3, 2017, April 6, 2017, June 16, 2017, August 9, 2017 and March 9, 2018 (AIS Item Nos. 3, 4, 5, 11, 12, 23, 37, 38, 43, 47, and 56);
- (c) The affidavits of notice and notice copies filed in Docket 45552 on January 28, 2018 (AIS Item 9);
- (d) Old Tamina Water Supply Corporation's consent forms to the final map and certificate, filed August 6, 2018 (AIS Item No. 63);
- (e) Commission Staff's final recommendation that the Application be approved, along with the map and certificate attached to that recommendation, filed August 21, 2018 (AIS Item No. 64).

## **II. JOINT PROPOSED NOTICE OF APPROVAL**

The attached Joint Proposed Notice of Approval would grant Old Tamina Water Supply Corporation's Application for an amended water CCN No. 12289 in Montgomery County, Texas. Also attached are the final map and certificate that were included in Staff's final recommendation filed on August 21, 2018.

## **III. CONCLUSION**

The Parties respectfully request that the Commission grant the Motion to Admit Evidence, and adopt the attached Joint Proposed Notice of Approval.

Respectfully Submitted,

**FOR COMMISSION STAFF**

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
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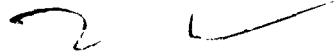


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**Attorneys for**  
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**DOCKET NO. 45552**  
**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this document will be served on all parties of record in this proceeding on September 6, 2018, in accordance with 16 TAC § 22.74.



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Landon J. Lill

**DOCKET NO. 45552**

<b>APPLICATION OF OLD TAMINA</b>	<b>§</b>	
<b>WATER SUPPLY CORPORATION TO</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>AMEND ITS WATER CERTIFICATE</b>	<b>§</b>	
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>FOR DUAL CERTIFICATION WITH</b>	<b>§</b>	
<b>THE CITY OF SHENANDOAH IN</b>	<b>§</b>	
<b>MONTGOMERY COUNTY (37615-C)</b>	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the application of Old Tamina Water Supply Corporation for an amended water certificate of convenience and necessity (CCN) No. 12289 in Montgomery County, Texas. The Public Utility Commission Staff (Commission Staff) recommended approval of this application. The application is approved.

The Commission adopts the following findings of fact and conclusions of law:

**I. FINDINGS OF FACT**

**Procedural History**

1. On January 28, 2016, the application of Old Tamina Water Supply Corporation (Old Tamina) to amend its water Certificate of Convenience and Necessity (CCN) No. 12289 for a dual certification with the City of Shenandoah (Shenandoah) and to obtain a new sewer CCN in Montgomery County was filed in Docket No. 45552. Old Tamina Water Supply Corporation seeks to amend water CCNs for its service area containing approximately 500 acres and serving approximately 160 current customers.
2. On January 28, 2016, a Notice of Deficiency from the Texas Commission on Environmental Quality (TCEQ) was filed.
3. On January 28, 2016, Supplemental Information from Old Tamina was filed.
4. On January 28, 2016 a letter from Old Tamina evidencing USDA funding was filed.
5. On January 28, 2016, a letter from Old Tamina with attached Maps was filed.
6. On January 28, 2016, a Notice of Deficiency from TCEQ was filed.
7. On January 28, 2016, a letter from TCEQ stating maps do not meet requirements was filed.

8. On January 28, 2016, an Opt-Out request from Conroe Independent School District was filed.
9. On January 28, 2016, proof of public notices from Old Tamina was filed.
10. On January 28, 2016, statement of opposition from Shenandoah was filed.
11. On February 1, 2016, Old Tamina's preliminary engineering report for sanitary sewer was filed.
12. On February 1, 2016, engineering cost estimates from Old Tamina were filed.
13. On February 1, 2016 a copy of the Request for Obligation of Funds form from USDA was filed.
14. On February 1, 2016 a letter from Old Tamina was filed.
15. On February 1, 2016, a letter from USDA was filed.
16. On February 2, 2016, Order No. 1 was issued, requiring comments on administrative completeness
17. On February 2, 2016, the Commission filed notice of Old Tamina's application to amend its Water CCN
18. On February 4, 2016, the Commission filed an acknowledgment of receipt
19. On February 29, 2016, Commission Staff filed a recommendation regarding administrative completeness
20. On March 4, 2016, Order No. 2 was issued finding the application incomplete and deficient, and establishing deadlines and opportunity to cure.
21. On April 1, 2016, Old Tamina filed a request for extension of time.
22. On April 5, 2016, Order No. 3 was issued granting the extension.
23. On April 13, 2016, Old Tamina filed supplemental information, a Motion to Sever the sewer application, and a Motion to Abate the water CCN application in response to Order No. 3.
24. On May 13, 2016, Commission Staff filed a supplemental recommendation regarding administrative completeness and a response to the motion to sever.
25. On May 20, 2016, Order No. 4 was issued finding the application incomplete and deficient, and establishing deadlines and opportunity to cure.
26. On May 27, 2016, Order No. 5 was issued severing the sewer application to Docket No. 45988.

27. On June 1, 2016, Order No. 6 was issued abating the water CCN application.
28. On July 5, 2016, Old Tamina filed a monthly status report.
29. On August 1, 2016, Old Tamina filed a monthly status report.
30. On September 2, 2016, Old Tamina filed a monthly status report.
31. On October 3, 2016, Old Tamina filed a monthly status report.
32. On November 1, 2016, Old Tamina filed a monthly status report.
33. On December 5, 2016, Old Tamina filed a monthly status report.
34. On January 4, 2017, Old Tamina filed a monthly status report.
35. On January 5, 2017, Commission Staff filed a notice of change of counsel.
36. On February 6, 2017, Old Tamina filed a monthly status report.
37. On March 3, 2017, Old Tamina filed a monthly status report, and supplemental information including letters of consent to dual certification from Shenandoah.
38. On April 6, 2017, Old Tamina filed a monthly status report and supplemental information.
39. On April 19, 2017, Commission Staff filed a Joint Motion to Lift Abatement and Approve Procedural Schedule.
40. On April 24, 2017, Order No. 7 was issued, unabating the proceeding and establishing deadlines.
41. On May 19, 2017, Commission Staff filed a supplemental recommendation finding application administratively incomplete.
42. On May 24, 2017, Order No. 8 was issued finding application incomplete and deficient, establishing deadlines and opportunity to cure.
43. On June 16, 2017, Old Tamina filed supplemental information in response to Order No. 8.
44. On July 11, 2017, Commission Staff filed Staff's 1<sup>st</sup> RFI to Old Tamina.
45. On July 17, 2017, Commission Staff filed supplemental comments on administrative completeness.
46. On July 21, 2017, Order No. 9 was issued, finding application incomplete and deficient, establishing deadlines and opportunity to cure.
47. On August 9, 2017, Old Tamina filed supplemental information including revised mapping data.
48. On September 19, 2017, PUC Staff filed a supplemental recommendation finding the application administratively incomplete.



49. On September 20, 2017, Order No. 10 was issued finding the application administratively incomplete and deficient, and establishing deadlines and opportunity to cure.
50. On November 20, 2017, PUC Staff filed a request for an amended procedural schedule.
51. On November 27, 2017, Order No. 11 was issued, establishing deadlines.
52. On December 14, 2017, Old Tamina filed a request for extension of time.
53. On December 15, 2017, Order No. 12 was issued, granting the extension.
54. On January 31, 2017, Old Tamina filed a motion for extension of time.
55. On February 1, 2018, Order No. 13 was filed granting the extension.
56. On March 9, 2018, Old Tamina filed a response to Staff's 1<sup>st</sup> RFI.
57. On April 2, 2018, Commission Staff filed a recommendation on administrative completeness.
58. On April 3, 2018, Order No. 14 was issued, finding the application administratively incomplete and deficient, and establishing deadlines and opportunity to cure.
59. On April 16, 2018, Commission Staff filed a request for an amended procedural schedule.
60. On April 17, 2018, Order No. 15 was issued, finding application administratively complete, and amending procedural schedule.
61. On June 5, 2018, Commission Staff filed a request for an amended procedural schedule.
62. On June 11, 2018, Order No. 16 was issued deeming notice sufficient and amending procedural schedule.
63. On August 6, 2018, Old Tamina filed a form consenting to the CCN service area map and certificate transmitted by Commission Staff.
64. On August 21, Commission Staff filed its Final Recommendation that application should be approved.
65. The final map and CCN certificate referenced in Finding of Fact No. 63 are attached to this Notice of Approval.

**Notice**

66. On July 11, 2013, Old Tamina Water Supply Corporation mailed notice of the application to neighboring systems, landowners, and cities and to affected parties.
67. Montgomery County notice was provided by publication in the *Conroe Courier* on July 10, 2013 and July 17, 2013.

68. On July 11, 2013, Old Tamina Water Supply Corporation filed an affidavit attesting to mailed notice, including copies of individual notices, and publisher's affidavits.
69. On Jan 28, 2016, copies of Old Tamina's mailed notices were filed in the docket.

**Evidentiary Record**

70. On \_\_\_\_\_, Order No. \_\_\_\_ was issued, admitting evidence into the record of this proceeding.

**Informal Disposition**

71. More than 15 days have passed since the completion of the notice provided in this docket.
72. Old Tamina Water Supply Corporation and Commission Staff are the only parties to this proceeding.
73. No issues of fact or law remain disputed by any party; therefore, no hearing is necessary.

**II. CONCLUSIONS OF LAW**

1. The Commission has jurisdiction over these matters pursuant to Tex. Water Code Ann. §§ 13.041, 13.241, 13.244, and 13.246 (West 2008 & Supp. 2017) (TWC).
2. Old Tamina Water Supply Corporation is a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Public notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The application meets the requirements set forth in TWC §§ 13.241, 13.244 and 13.246, and 16 TAC §§ 24.101-102 and 24.104-106.
5. After considering the factors in TWC § 13.246(c), Old Tamina Water Supply Corporation is entitled to approval of the application, having demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area and its current service area as required by TWC § 13.241(a) and having also demonstrated that it has access to an adequate supply of water and is capable of providing drinking water that meets the requirements of Chapter 341 of the Health and Safety Code and the TWC as required by TWC § 13.241(b).

6. Approval of the application is necessary for the service, accommodation, convenience, or safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.102(c).
7. Pursuant to TWC § 13.257(r) and 16 TAC § 24.106(e), Old Tamina Water Supply Corporation is required to record a certified copy of the approved CCN and map, along with a boundary description of the service area in the real property records of each county in which the service area or a portion of the service area is located, and submit to the Commission evidence of the recording.
8. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

### **III. ORDERING PARAGRAPHS**

In accordance with these findings of fact and conclusions of law, the Commission issues the following order:

1. Old Tamina Water Supply Corporation's application is approved.
2. Old Tamina Water Supply Corporation's water CCN No. 12289 is hereby amended, consistent with this Notice.
3. Old Tamina Water Supply Corporation shall serve every customer and applicant for service within the area certified under water CCN No. 12289, and such service shall be continuous and adequate.
4. Old Tamina Water Supply Corporation shall comply with the recording requirements in TWC § 13.257(r) for the areas in Montgomery County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
5. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are denied.

**SIGNED AT AUSTIN, TEXAS on the \_\_\_\_ day of \_\_\_\_\_, 2018.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**ADMINISTRATIVE LAW JUDGE**



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Old Tamina Water Supply Corporation**

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Old Tamina Water Supply Corporation is entitled to this

### **Certificate of Convenience and Necessity No. 12289**

to provide continuous and adequate water utility service to that service area or those service areas in Montgomery County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 45552 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Old Tamina Water Supply Corporation, to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this \_\_\_\_\_ day of \_\_\_\_\_ 2018.



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

**City of Shenandoah**

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, City of Shenandoah is entitled to this

## **Certificate of Convenience and Necessity No. 13146**

to provide continuous and adequate water utility service to that service area or those service areas in Montgomery County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 45552 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of City of Shenandoah, to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.





Issued at Austin, Texas, this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

Old Tamina Water Supply Corporation  
Water CCN No. 12289  
PUC Docket No. 45552  
Amended CCN No. 12289 in Montgomery County



Public Utility Commission of Texas  
1701 N. Congress Ave  
Austin, TX 78701

**Water CCN**

-  12289 - Old Tamina WSC
-  13146 - City of Shenandoah
-  10351 - Chateau Woods MUD
-  12230 - City of Oak Ridge North

0 450 900  
Feet



Map by: Komal Patel  
Date created: June 27, 2018  
Project Path: n:\finalmapping\  
45552OldTaminaWSC.mxd