



Control Number: 45587



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DOCKET NO. 45587

**APPLICATION OF AQUA TEXAS,
INC. DBA AQUA TEXAS TO AMEND
ITS CERTIFICATES OF
CONVENIENCE AND NECESSITY
IN MONTGOMERY COUNTY**

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PUBLIC UTILITY COMMISSION

OF TEXAS

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PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 1 and Recommendation on Administrative Completeness.

I. Background

On February 8, 2016, Aqua Texas, Inc. d/b/a Aqua Texas (Aqua Texas) filed with the Commission an application to amend its water certificate of convenience (CCN) No. 13203 and sewer CCN No. 21065 in Montgomery County, Texas pursuant to Texas Water Code §§ 13.242-.250 (TWC) and 16 Tex. Admin Code §§ 24.101-.107 (TAC).

On February 9, 2016, the Administrative Law Judge (ALJ) issued Order No. 1 requiring Staff to file comments regarding administrative completeness and propose a procedural schedule on or before March 8, 2016. Therefore, this response is timely filed.

II. Staff's Recommendation on Administrative Completeness

As detailed in the attached memorandum (Attachment A) of Patricia Garcia and Gary Horton, in the Commission's Water Utilities Division, Staff recommends the application be deemed administratively complete pursuant to TWC §§ 13.242-.250 and 16 TAC §§ 24.101-.107.

Staff further recommends Aqua Texas be directed to:

1. Provide the attached notice forms (Attachment B) 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. notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County;
2. Provide notice to all of the entities listed
 3. Include a copy of a map showing the proposed service area with the individual notices to neighboring utilities and other affected parties. It is Aqua Texas'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 Aqua Texas from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>
 4. File the attached affidavits (Attachment C) after providing notice.

III. Proposed Procedural Schedule

Staff proposes the following procedural schedule:

<u>Event</u>	<u>Date</u>
Deadline for Aqua Texas to file a copy of the notice sent to affected parties with attached affidavits evidencing proof of notice	April 11, 2016
Deadline to intervene, and deadline for Intervenor to file Comments or to request a hearing	30 days after Applicants mail notice
Deadline for Staff to file an updated procedural schedule based upon the date notice was mailed	April 27, 2016

IV. Conclusion

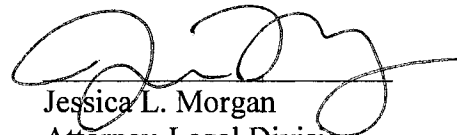
Staff respectfully requests that an order be issued consistent with this Response.

Dated: March 8, 2016

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Karen S. Hubbard
Managing Attorney
Legal Division

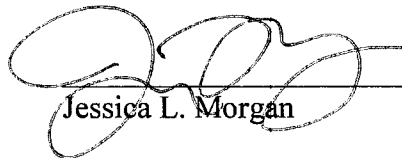


Jessica L. Morgan
Attorney-Legal Division
State Bar No. 24079023
(512) 936-7229
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

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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 March 8, 2016 in accordance with 16 TAC § 22.74.



Jessica L. Morgan

PUC Interoffice Memorandum

To: Jessica Morgan
Legal Division

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

From: Patricia Garcia, Staff Engineer
Gary Horton, GIS Specialist
Water Utilities Division

Date: February 26, 2016

Subject: **Docket 45587**, *Application of Aqua Texas, Inc. d/b/a Aqua Texas to Amend its Certificates of Convenience and Necessity (CCN) in Montgomery County*

On February 8, 2016, Aqua Texas, Inc. d/b/a Aqua Texas (Aqua Texas) filed with the Public Utility Commission of Texas (Commission) an application to amend its water certificate of convenience and necessity (CCN) No. 13203 and sewer CCN No. 21065 in Montgomery County, Texas pursuant to Texas Water Code Ann. (TWC), §§ 13.242 to 13.250 and the 16 Tex. Admin Code (TAC) §§24.101 to 24.107.

A Staff review of the information filed by the applicant found that it is sufficient in the required application and mapping information. Therefore, Staff recommends that the application be deemed sufficient for filing and found administratively complete. Staff further recommends the following:

- 1) The Applicant 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;
 - 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. public notice which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County.

2) Provide notice to the following entities (Note: includes those submitted on the application and additional entities found during mapping review):

- a. City of Houston (PWS 1700348)
- b. City of Tomball (PWS 1010026)
- c. Coastal Water Authority (District 230900, PWS 1013463)
- d. Gulf Coast Waste Disposal Authority (District 3444000, PWS 1012802)
- e. Harris County Flood Control District (District 3630000, PWS 1012572, 6001051)
- f. Harris County MUD 480 (District 3737175, PWS 1013400)
- g. Harris-Montgomery Counties MUD 386 (District 3738430, PWS 1013305, 1700796)
- h. H-M-W SUD (CCN 10342, District 4639000)
- i. Hoe WSC (CCN 12756)
- j. Lone Star Groundwater Conservation District
- k. Monarch Utilities, I LP (CCNs 12983, 20899)
- l. Montgomery County Judge - Craig Doyal
- m. Montgomery County MUD 46 (District 5858050, PWS 1700348)
- n. Montgomery County MUD 136 (District 5858018)
- o. Montgomery County MUD 137 (District 5857939)
- p. North Harris County Regional Water Authority (District 5984800, PWS 1013298)
- q. Pinehurst Decker Prairie WSC (CCN 11768)
- r. Port of Houston Authority (District 7133000, PWS 1013230, 1010336)
- s. San Jacinto River Authority (District 7490000, PWS 1700197)
- t. South Central Water Co. (CCN 20964)
- u. Westchase Madison, Inc.

3) The Applicant be ordered to include copy of a map showing the proposed service area with the individual notices to neighboring entities, 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 from the TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>.

4) Return within 30 days of the Commission order, a copy of the actual notice and map issued, along with signed affidavits indicating that the notice was given.

It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.