

Control Number: 45587



Item Number: 6

Addendum StartPage: 0

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**

2016 MAR 10 10:00 AM
PUBLIC UTILITY COMMISSION
FILING CLERK

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

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Supplemental 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 March 8, 2016, the Staff filed comments regarding administrative completeness and propose a procedural schedule. Staff's Supplemental Recommendation on Administrative Completeness provides the affidavits of notice that were inadvertently omitted from Staff's Recommendation on Administrative Completeness. Therefore, this pleading 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;

6

- 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

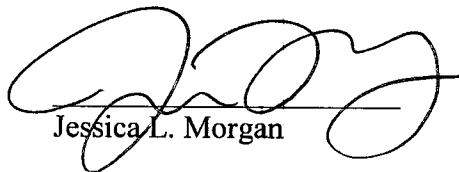


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Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 45587

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

Attachment A

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.

Attachment B

Notice for Publication

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

Aqua Texas, Inc. dba Aqua Texas has filed an application with the Public Utility Commission of Texas to amend its Certificates of Convenience and Necessity Nos. 13203 and 21065 for the provision of Water and Sewer utility service in Montgomery County.

The proposed utility service area is located approximately **13.7 miles Southwest of downtown Conroe,** Texas, and is **generally** bounded on the north by **Hardin Store Rd.**; on the east by **Dobbin Huffsmith Rd.**; on the south by **Carraway Ln.**; and on the west by **N. Creek Dr.**.

The total proposed area being requested includes approximately 67 acres and 0 current customers.

A copy of the proposed service area map is available at: 2211 Louetta Spring Rd., Spring, TX 77388 or call (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, Landowners and Cities

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

To: _____
(Neighboring System, Landowner or City)

Date Notice Mailed: _____, 2016

(Address)

(City State Zip)

Aqua Texas, Inc. dba Aqua Texas has filed an application with the Public Utility Commission of Texas to amend its Certificates of Convenience and Necessity Nos. 13203 and 21065 for the provision of Water and Sewer utility service in Montgomery County.

The proposed utility service area is located approximately **13.7 miles Southwest of downtown Conroe,** Texas, and is **generally** bounded on the north by **Hardin Store Rd.** ; on the east by **Dobbin Huffsmith Rd.**; on the south by **Carraway Ln.**; and on the west by **N. Creek Dr.**.

See enclosed map of the proposed service area.

The total area being requested includes approximately 67 acres and 0 current customers.

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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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, the 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.

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Austin, TX 78711-3326

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

Attachment C

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NOTICE NEIGHBORING SYSTEMS AND CITIES

DOCKET NO. 45587

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 UTILITY)

that the attached notice was provided to customers and other affected parties by

(METHOD USED TO PROVIDE NOTICE)

on or about the following date, to wit:

(DATE)

(SIGNATURE OF UTILITY OFFICIAL)

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. 45587

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 _____

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO LANDOWNERS
DOCKET NO. _____

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual notice to the following landowners:
(NAME OF UTILITY)

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.

of Texas

Notary Public in and for the State

Print or Type Name of Notary Public
Commission Expires _____