



Control Number: 45988



Item Number: 22

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APPLICATION OF OLD TAMINA §
 WATER SUPPLY CORPORATION TO §
 OBTAIN A SEWER CERTIFICATE §
 OF CONVENIENCE AND NECESSITY §
 IN MONTGOMERY COUNTY §

PUBLIC UTILITY COMMISSION

2017 APR 18 PM 1:12

PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION FINDING
 APPLICATION ADMINISTRATIVELY INCOMPLETE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission) representing the public interest and files this Supplemental Recommendation Finding Application Administratively Incomplete. In support thereof, Staff shows the following:

I. Background

On May 15, 2013, Old Tamina WSC filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12289 for a dual certification with the City of Shenandoah (Shenandoah) and obtain a new sewer CCN in Montgomery County with the Texas Commission on Environmental Quality (TCEQ).¹ On May 27, 2016, the Administrative Law Judge (ALJ) issued Order No. 1 granting Old Tamina WSC's Motion to sever the application to obtain a sewer CCN from the water CCN application for dual certification.

On February 24, 2017, the ALJ issued Order No. 7 finding the application incomplete and requiring Old Tamina WSC to provide the required written consent from Shenandoah for the dual certification for the proposed service area on or before March 6, 2017. On March 3, 2017, Old Tamina WSC filed the required written consent from Shenandoah for the dual certification for the portion of Old Tamina WSC's proposed sewer CCN service area overlapping with Shenandoah's sewer CCN No. 21025. Order No. 7 also required Staff to file comments regarding administrative completeness, along with a proposed procedural schedule, by April 18, 2017. Therefore, this pleading is timely filed.

¹ *Application of Old Tamina Water Supply Corporation to Amend Its Water Certificate of Convenience and Necessity for Dual Certification with the City of Shenandoah*, Docket No. 45552.

II. Staff's Supplemental Recommendation on Administrative Completeness

Staff has reviewed the supplemental materials filed by Old Tamina WSC and again recommends that the application be found administratively incomplete pursuant 16 Tex. Admin. Code §§ 24.105–.106 (TAC). Specifically, Old Tamina WSC filed several revised large scale maps on January 31, 2017 sufficiently showing the location of the Conroe ISD's opt out property, the proposed sewer CCN service area, and the area of dual certification with a portion of the City of Shenandoah's sewer CCN No. 21025. However, the revised digital data for Old Tamina WSC's proposed sewer CCN service area still displays overlaps with a portion of Chateau Wood MUD's existing sewer CCN No. 20937. In order to cure the remaining mapping deficiencies, Staff recommends that Old Tamina WSC provide the following:

- Revised digital mapping data for the proposed sewer CCN service area accurately removing the overlap with Chateau Wood MUD's existing sewer CCN No. 20937. The data should be filed as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters).
- Clarify the total acreage requested for the proposed sewer CCN service area provided in the revised digital mapping data. The total acreage is required for notice documents prepared by PUC Staff.

Staff's review of CCN applications is a meticulous, time intensive practice, and Staff has limited resources to process this kind of application. Old Tamina WSC has the burden of providing the required information with its application in a timely manner and has failed to do so. Processing of the application cannot proceed until the requested mapping documentation is received and reviewed. Staff recommends that Old Tamina WSC provide the mapping items listed above by May 18, 2017. Staff further recommends a deadline of June 16, 2017 for Staff to provide a supplemental recommendation on the administrative completeness of the revised application.


Dated: April 18, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

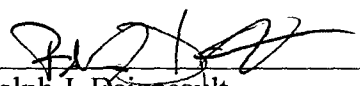


Ralph J. Daigneault
State Bar No. 24040755
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7348
(512) 936-7268 (facsimile)
ralph.daigneault@puc.texas.gov

DOCKET NO. 45998

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on April 18, 2017, in accordance with 16 TAC § 22.74.



Ralph J. Daigneault

PUC Interoffice Memorandum

TO: Ralph Daigneault, Attorney
Legal Division

THRU: Tammy Benter, Director
Lisa Fuentes, Manager
Water Utility Division

FROM: Debbie Reyes Tamayo, Program Specialist
Tracy Montes, GIS Specialist
Water Utility Division

DATE: April 17, 2017

SUBJECT: **Docket No. 45988**, *Application of Old Tamina Water Supply Corporation to Obtain a Sewer Certificate of Convenience and Necessity in Montgomery County (37616-C)*

On May 13, 2013, Old Tamina WSC (Applicant) filed an application with the Texas Commission on Environmental Quality (TCEQ) to obtain a sewer CCN in Montgomery County, pursuant to the criteria in the Texas Water Code, Chapter 13, and the TCEQ's rules outlined in Title 30, Texas Administrative Code (TAC), §§ 291.101 – 291.107. On September 1, 2014, the rates and CCN programs were transferred from the TCEQ to the Public Utility Commission (PUC). This application was part of the transfer and is now under the PUC's purview. The application is now being reviewed pursuant to 16 TAC §§ 24.101 – 24.107.

In response to Order No. 7, the Applicant filed a letter signed on February 28, 2017, by representatives of the City of Shenandoah (Shenandoah), stating they consent to allow dual certification for the portion of the Applicant's proposed sewer CCN service area overlapping with Shenandoah's sewer CCN No. 21025. Furthermore, the letter states Shenandoah consents to the portion of dual certification between the Shenandoah and the Applicant for the geographic area shown crosshatched on Exhibit A, "PUC Docket 45988 – Dual Sewer CCN Map."

On January 31, 2017, the Applicant filed several revised large scale maps sufficiently showing the location of the Conroe ISD's opt out property, the proposed sewer CCN service area, and the area of dual certification with a portion of the City of Shenandoah's sewer CCN No. 21025. However, the revised digital data for the Applicant's proposed sewer CCN service area still displays overlaps with a portion of Chateau Wood MUD's existing sewer CCN No. 20937. Based on a review of the information, Staff recommends that the application be deemed insufficient for filing and found administratively incomplete. The Applicant must submit the following items to resolve the remaining mapping deficiencies:

- Revised digital mapping data for the proposed sewer CCN service area accurately removing the overlap with Chateau Wood MUD's existing sewer CCN No. 20937. The data should be filed as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters).
- Clarify the total acreage requested for the proposed sewer CCN service area provided in the revised digital mapping data. The total acreage is required for notice documents prepared by PUC Staff.