



Control Number: 45988



Item Number: 33

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APPLICATION OF OLD TAMINA §  
WATER SUPPLY CORPORATION TO §  
OBTAIN A SEWER CERTIFICATE OF §  
CONVENIENCE AND NECESSITY IN §  
MONTGOMERY COUNTY (37616-C)

PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
OF TEXAS FILING CLERK

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION FINDING THE APPLICATION ADMINISTRATIVELY COMPLETE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 10, and would show the following:

**I. Background**

On May 15, 2013, Old Tamina Water Supply Corporation (Old Tamina) 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). On May 27, 2016, the Administrative Law Judge (ALJ) issued Order No. 1 granting Old Tamina's Motion to sever the application to obtain a sewer CCN from the water CCN application for dual certification.

Order No. 10, issued August 15, 2017, required Staff to make a subsequent recommendation on completeness by September 8, 2017. This recommendation is therefore timely filed.

**II. Recommendation**

Staff has reviewed Old Tamina's application and as supported by the attached recommendation from Debbie Reyes-Temayo of the Water Utilities Division, Staff recommends the ALJ deem the application administratively complete. Staff further recommends that the applicant be ordered to provide notice in accordance with the recommendations contained in the attached memorandum.

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### III. Schedule

Staff proposes the following procedural schedule:

| Event   | Date   |
|---|--|
| Deadline for Applicant to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation | October 23, 2017   |
| Deadline for Staff to file a recommendation on sufficiency of notice*   | Within 10 days of Applicant filing proof of completed notice with the Commission |
| Deadline to intervene   | 30 days after notice is issued   |

### IV. Conclusion

Staff requests the entry of an order consistent with the above recommendations.

**Dated: September 8, 2017**

PUBLIC UTILITY COMMISSION  
LEGAL DIVISION

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



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Landon J. Lill  
State Bar No. 24092700  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7228  
(512) 936-7268 (facsimile)  
Landon.lill@puc.texas.gov

**DOCKET NO. 45988**  
**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on September 8, 2017, in accordance with 16 TAC § 22.74.



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Landon J. Lill

## PUC Interoffice Memorandum

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**TO:** Landon Lill, Attorney  
Legal Division

**THRU:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**FROM:** Debbie Reyes Tamayo, Program Specialist  
Water Utility Regulation Division

**DATE:** August 29, 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 Water Supply Corporation (Applicant) filed an application with the Texas Commission on Environmental Quality (TCEQ) to obtain a Sewer Certificate of Convenience and Necessity 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.

On September 23, 2016, the Applicant clarified their intention to obtain dual certification with a portion of the City of Shenandoah's (Shenandoah) sewer CCN No. 21025. On March 3, 2017, the Applicant filed a signed agreement with Shenandoah allowing for dual certification. On August 9, 2017, the Applicant filed revised maps and digital data which accurately displayed the portion of dual certification with Shenandoah and removed overlaps with existing CCNs. The revised requested area results in approximately 504 total acres including 131 acres of dual certification with Shenandoah and 373 acres of single certification for the Applicant.

Staff has reviewed the information and recommends the application be deemed administratively complete and accepted for filing. Staff further recommends the Applicant be ordered to do the following:

- 1) Provide notice of the application to the following:
  - a) any districts, utilities, and cities within two (2) miles of the requested area;
  - b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the requested area to be certified;
  - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the requested area to be certified;
  - d) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the requested area to be certified. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the requested CCN is located; and
  - e) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County.

2) Provide correct notice of the application to the following:

- Chateau Woods MUD (CCN No. 20937)
- City of Shenandoah (CCN No. 21025)
- Eastwood Hills Subdivision (CCN No. 20823)
- Southern Montgomery County MUD (CCN No. 20486)
- City of Conroe
- City of Oak Ridge North
- Lone Star Groundwater Conservation District
- Montgomery County Drainage District 6
- Montgomery County Drainage District 9
- Montgomery County Drainage District 10
- Montgomery County MUD 6
- Montgomery County MUD 7
- Montgomery County MUD 15
- Montgomery County MUD 36
- Montgomery County MUD 39
- Montgomery County MUD 45
- Montgomery County MUD 60
- Montgomery County MUD 67
- Montgomery County MUD 87
- Montgomery County MUD 95
- Montgomery County MUD 99
- Rayford Road MUD
- San Jacinto River Authority
- Southern Montgomery County MUD
- The Woodlands Metro Center MUD
- Town Center Improvement District
- Montgomery County

3) Include a copy of a map showing the requested area with the individual notices to neighboring utilities, other affected parties and each landowner. It is the Applicant's burden to provide an accurate map delineating the requested 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/>.

The Applicant should file 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.

***Notice for Publication***

**NOTICE OF APPLICATION TO OBTAIN A SEWER CERTIFICATE OF  
CONVENIENCE AND NECESSITY (CCN) AND TO OBTAIN DUAL  
CERTIFICATION WITH A PORTION OF CITY OF SHENANDOAH'S  
CCN NO. 21025 IN MONTGOMERY COUNTY, TEXAS**

Old Tamina Water Supply Corporation has filed an application with the Public Utility Commission of Texas to obtain a sewer CCN and to obtain dual certification with a portion of the City of Shenandoah's CCN No. 21025 in Montgomery County.

The requested area is located approximately .5 mile north of downtown Oak Ridge North, Texas, and is generally bounded on the north by approximately 800 feet north of Broadway Street; on the east by Post Oak Drive/Falvey Lake; on the south by Pinewood Drive; and on the west by David Memorial Road.

The requested area includes approximately 504 total acres.

A copy of the map showing the requested area is available at: A-1 Utility & Construction, 2746 Robinson Road, Conroe TX 77385, (281)367-9419

You may request a public hearing. A request for a public hearing must be in writing and include: (1) your name, mailing address, and daytime telephone number; (2) the Utility name, docket 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 which would satisfy your concerns and cause you to withdraw your request for a hearing.

Hearing requests, comments or requests to intervene should be filed with 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 request will receive notice if a hearing is scheduled.

If a valid public hearing is requested, the Commission 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 a final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large scale map and a metes and bounds description of the landowner's tract of land.

Persons who 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

In addition, the landowner must also send a copy of the opt out and map request to the Utility. Staff may request additional information regarding your request.

*Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date.*

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



**Notice to Neighboring Systems, Landowners and Cities**  
**NOTICE OF APPLICATION TO OBTAIN A SEWER CERTIFICATE OF**  
**CONVENIENCE AND NECESSITY (CCN) AND TO OBTAIN DUAL**  
**CERTIFICATION WITH A PORTION OF CITY OF SHENANDOAH'S**  
**CCN NO. 21025 IN MONTGOMERY COUNTY, TEXAS**

To: \_\_\_\_\_  
(Neighboring System, Landowner or City)  
  
\_\_\_\_\_  
(Address)  
  
\_\_\_\_\_  
(City State Zip)

Date Notice Mailed: \_\_\_\_\_, 2017

Old Tamina Water Supply Corporation has filed an application with the Public Utility Commission of Texas to obtain a sewer CCN and to obtain dual certification with a portion of the City of Shenandoah's CCN No. 21025 in Montgomery County.

The requested area is located approximately .5 mile north of downtown Oak Ridge North, Texas, and is generally bounded on the north by approximately 800 feet north of Broadway Street; on the east by Post Oak Drive/Falvey Lake; on the south by Pinewood Drive; and on the west by David Memorial Road.

The requested area includes approximately 504 total acres.

**See enclosed map showing the requested area.**

You may request a public hearing. A request for a public hearing must be in writing and include: (1) your name, mailing address, and daytime telephone number; (2) the Utility name, docket 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 which would satisfy your concerns and cause you to withdraw your request for a hearing.

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

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND  
AFFECTED PARTIES  
DOCKET NO. 45988

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

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

|       | DATE OF NOTICE |
|-------|----------------|
| _____ | _____          |
| _____ | _____          |
| _____ | _____          |

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 \_\_\_\_\_, 2017, 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. 45988

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

\_\_\_\_\_ of the \_\_\_\_\_  
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in \_\_\_\_\_  
(COUNTY/COUNTIES)

and generally circulated in \_\_\_\_\_, Texas;  
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

\_\_\_\_\_  
(DATES)

\_\_\_\_\_  
(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017,  
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 \_\_\_\_\_