



Control Number: 45988



Item Number: 66

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**DOCKET NO. 45988**

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

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§ **PUBLIC UTILITY COMMISSION**  
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§ **OF TEXAS**  
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**NOTICE OF APPROVAL**

This Notice addresses the application of Old Tamina Water Supply Corporation for a sewer certificate of convenience and necessity (CCN) in Montgomery County. The Commission grants Old Tamina a sewer CCN that includes a 373-acre area that will be singly certificated to Old Tamina and a 131-acre area that will be dually certificated to Old Tamina and the City of Shenandoah.

**I. Background**

Old Tamina currently provides water service to many residents in the 540-acre community of Tamina. While some residents use private wells, no sanitary sewer system is currently available to any residents in Tamina. Residents rely on private septic systems, some of which are failing, to meet their waste disposal needs. Old Tamina has proposed a plan to install sanitary sewer service in the entire Tamina community and has qualified for a loan from the United States Department of Agriculture Rural Development Administration to finance the sewer-system project. Old Tamina proposes to provide retail sewer service, with wholesale sewer services provided by the City of Shenandoah and its existing wastewater treatment facility. Old Tamina originally applied for both a water CCN amendment and new sewer CCN in a single application in Docket No. 45552.<sup>1</sup> The sewer CCN application was later severed into this docket.

**II. Findings of Fact**

The Commission makes the following findings of fact.

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<sup>1</sup> *Application of Old Tamina Water Supply Corporation to Amend Its Water Certificate of Convenience and Necessity for Dual Certification With the City of Shenandoah and to Obtain a Sewer Certificate of Convenience and Necessity in Montgomery County (37615-C, 35616-C), Docket No. 45552 (pending).*

**Applicant and Other Interested Parties**

1. Old Tamina is a water supply corporation registered with the Texas secretary of state under file number 29285401.
2. Old Tamina provides water service under CCN number 12289.
3. The City of Shenandoah is a municipality that provides sewer service under CCN number 21025.

**Application**

4. On May 13, 2013, Old Tamina submitted applications to the Texas Commission on Environmental Quality (TCEQ) to amend water CCN number 12289 and to obtain a sewer CCN. The TCEQ assigned application numbers 37615-C and 37616-C to the filings. Old Tamina sought authority to provide water and sewer service to an area of approximately 540 acres with 165 customers. The application was accepted for filing on June 25.
5. The requested area totals 504 acres and is located approximately one-half mile north of downtown Oak Ridge North, Texas. The boundaries of the requested area are depicted on the map attached to this Notice.
6. The applications were transferred from the TCEQ to the Commission on September 1, 2014, and on January 28, 2016, the applications were assigned Docket No. 45552 under the style *Application of Old Tamina Water Supply Corporation to Amend its Water Certificate of Convenience and Necessity for Dual Certification with the City of Shenandoah and to Obtain a Sewer Certificate of Convenience and Necessity in Montgomery County (37615-C, 37616-C)*.
7. On April 13, 2016, Old Tamina requested that the application for the new sewer CCN be severed out of Docket No. 45552.
8. In Order No. 5 issued on May 27, 2016, the administrative law judge (ALJ) severed Old Tamina's application for the new sewer CCN into this docket.
9. On June 3, 2016, Old Tamina amended its application for a new sewer CCN.
10. On September 23, 2016, Old Tamina clarified its intention to seek dual certification with a portion of the service area served by the City of Shenandoah under sewer CCN number

21025, and to seek single certification for the area not already served by the City of Shenandoah.

11. On March 3, 2017, Old Tamina filed a statement signed by the Mayor of the City of Shenandoah consenting to dual certification of the area sought by Old Tamina.
12. On August 9, 2017, Old Tamina filed revised maps and data showing the area in which it sought dual certification with the City of Shenandoah and the area in which it sought single certification.
13. On September 8, 2017, Commission Staff filed a supplemental recommendation recommending that the ALJ find Old Tamina's application administratively complete.
14. In Order No. 11 issued on September 12, 2017, the ALJ found the application administratively complete.
15. The requested area for single certification includes 373 acres, and the area for dual certification between Old Tamina and the City of Shenandoah includes 131 acres. There are 160 current customers in the requested area.

#### **Notice of Application**

16. On September 26, 2017, Old Tamina mailed notice of the application to neighboring systems, landowners, cities, and affected parties.
17. On September 23, 2017 and September 30, 2017, notice of the application appeared in the *Conroe Courier*.
18. On October 23, 2017, Old Tamina filed the affidavit of James E. Leveston, Sr., attesting to the provision of notice.
19. In Order No. 12 issued on November 8, 2017, the ALJ found the notice sufficient.

#### **Evidentiary Record**

20. On September 6, 2018, Commission Staff filed the joint motion of Commission Staff and Old Tamina to admit evidence into the record.
21. In Order No. 23 issued on September 19, 2018, the ALJ admitted the following evidence into the record: (a) Old Tamina's application, including attachments, filed with the TCEQ on May 15, 2013 and at the Commission on January 28, 2016 under Docket No. 45552;

(b) Old Tamina's supplements to the application and all attachments filed on June 3, 2016, September 23, 2016, December 30, 2016, January 31, 2017, February 17, 2017, March 3, 2017, May 18, 2017, July 6, 2017, July 11, 2017, and August 9, 2017; (c) affidavits of notice and notice copies filed on October 23, 2017; (d) Old Tamina's consent forms filed on August 6, 2018; and (e) Commission Staff's final recommendation and all attachments filed August 7, 2018 and errata to the final recommendation filed on August 9, 2018.

**Adequacy of Existing Service—TWC § 13.246(c)(1), 16 TAC § 24.227(d)(1)**

22. Old Tamina does not currently operate a sewer system.

**Need for Additional Service—TWC § 13.246(c)(2), 16 TAC § 24.227(d)(2)**

23. A need for service exists and the new CCN will allow Old Tamina to provide sewer service to customers in the requested area.

**Effect of Granting the CCN—TWC § 13.246(c)(3), 16 TAC § 24.227(d)(3)**

24. Granting the CCN will allow Old Tamina to purchase wholesale sewer services from the City of Shenandoah.

25. Old Tamina is planning to install a sanitary collection system that will convey wastewater to the City of Shenandoah's wastewater treatment facility.

**Ability to Serve: Managerial and Technical—TWC §§ 13.241(a), 13.246(c)(4), 16 TAC §§ 24.227(a), 24.227(d)(4)**

26. On March 20, 2009, the City of Shenandoah indicated that it will provide wholesale sewer services to Old Tamina.

27. Old Tamina intends to install a sanitary collection system that will convey wastewater to the City of Shenandoah's wastewater treatment facility.

28. The City of Shenandoah has a TCEQ-approved wastewater treatment facility (permit number WQ0012212-002) with a satisfactory rating.

29. Old Tamina has shown that, with the services provided by the City of Shenandoah, it can provide continuous and adequate sewer service to customers in the requested area.

**Ability to Serve: Financial Ability and Stability–TWC §§ 13.241(a), 13.246(c)(6), 16 TAC §§ 24.227(a), 24.227(d)(6)**

30. Old Tamina has operated for decades and the information provided indicates that the operating income is sufficient to cover expenses and does not project a shortage due to operations.
31. Commission Staff confirmed with the United States Department of Agriculture Rural Development Administration that a loan approval for \$2.2 million will follow upon Old Tamina receiving the CCN approval requested in this proceeding. The loan will help finance the development of the sewer system.
32. Old Tamina has demonstrated the financial ability to pay for the facilities necessary to provide continuous and adequate service to the requested area.

**Financial Assurance–TWC § 13.246(d); 16 TAC § 24.227(e)**

33. There is no need to require Old Tamina to provide a bond or other financial assurance to ensure continuous and adequate service.

**Service from Other Utilities–TWC §13.246(c)(5), 16 TAC § 24.227(d)(3)**

34. In the area that is dually certificated, residents can also obtain service from the City of Shenandoah.
35. In the area proposed for single certification, no adjacent retail public utility indicated the ability to serve, although the City of Shenandoah will provide wholesale sewer services to Old Tamina.

**Regionalization or Consolidation–TWC §§ 13.241(d), 16 TAC § 24.227(b)**

36. Old Tamina will not construct a new sewer treatment plant. Old Tamina plans to install a sanitary collection system that will connect with and convey wastewater to the City of Shenandoah's existing wastewater treatment facility.

**Environmental Integrity–TWC § 13.246(c)(7), 16 TAC § 24.227(d)(7)**

37. Old Tamina's application will have no impact on the environmental integrity of the requested area.

**Improvement in Service–TWC § 13.246(c)(8), 16 TAC § 24.227(d)(8)**

38. Granting Old Tamina a sewer CCN will not affect service to customers or lower their costs, because Old Tamina will receive wastewater treatment from the City of Shenandoah.

**Effect on Land–TWC § 13.246(c)(9), 16 TAC § 24.227(d)(9)**

39. Granting Old Tamina a sewer CCN will have no effect on the land.

**Map and Certificate**

40. On July 13, 2018, Commission Staff emailed its proposed map and certificate to Old Tamina.
41. On August 6, 2018, Old Tamina filed a signed consent form concurring with the map and certificate prepared by Commission Staff.
42. On September 6, 2018, Commission Staff and Old Tamina filed proposed certificates and a map as attachments to their joint motion to admit evidence and proposed notice of approval.

**Informal Disposition**

43. More than 15 days have passed since completion of the notice provided in this docket.
44. Old Tamina and Commission Staff are the only parties to this proceeding.
45. Neither Tamina nor Commission Staff requested a hearing and no hearing is needed.
46. Commission Staff recommended approval of Old Tamina's application.
47. This decision is not adverse to any party.

**III. Conclusions of Law**

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over Old Tamina's application under Texas Water Code (TWC) §§ 13.041, 13.241, 13.244, and 13.246.
2. Old Tamina is a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.235.

4. The Commission processed the application as required by the Administrative Procedure Act,<sup>2</sup> the Texas Water Code, and Commission rules.
5. Old Tamina possesses the financial, managerial, and technical capability to provide continuous and adequate service to the requested area as required by TWC § 13.241(a) and 16 TAC § 24.227.
6. Granting Old Tamina a sewer CCN is necessary for the service, accommodation, convenience, or safety of the public as required under TWC § 13.246(b) and 16 TAC § 24.227(c).
7. Old Tamina must 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 Montgomery County within 31 days of receiving this Notice and submit to the Commission evidence of the recording, as required by TWC § 13.257(r) and (s).
8. The application meets the requirements for informal disposition in 16 TAC § 22.35.

#### **IV. Ordering Paragraphs**

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

1. The Commission issues sewer CCN number 21109.
2. The Commission grants the certificate attached to this Notice.
3. The Commission's official service area boundaries for Old Tamina are as shown on the map attached to this Notice.
4. Old Tamina is required to serve every customer and applicant for service within the areas certified under CCN No. 21109, and such service will be continuous and adequate.
5. Old Tamina must comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Montgomery County affected by the application.
6. Old Tamina must file in this docket proof of the recording required in ordering paragraph 5 not later than 45 days after the date of this Notice.

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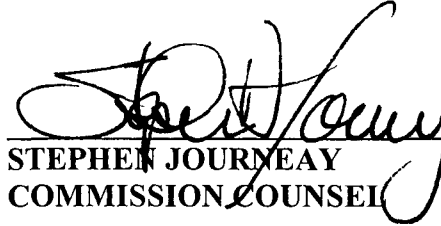
<sup>2</sup> Tex. Gov't Code §§ 20001.001–.902.



7. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 19<sup>th</sup> day of March 2019.

PUBLIC UTILITY COMMISSION OF TEXAS



STEPHEN JOURNEAY  
COMMISSION COUNSEL

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# Public Utility Commission of Texas

## By These Presents Be It Known To All That Old Tamina Water Supply Corporation

having obtained certification to provide sewer 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

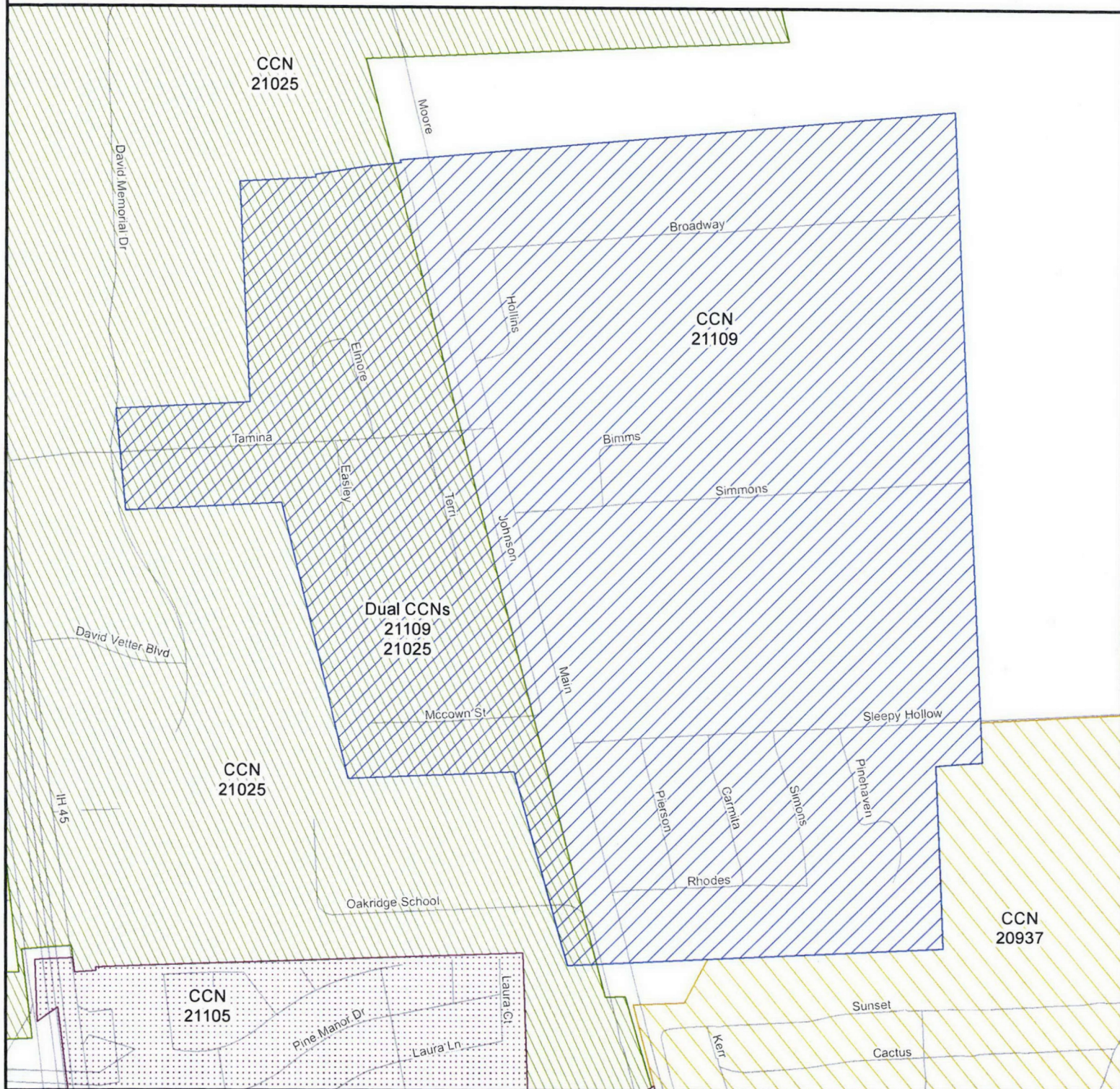
### Certificate of Convenience and Necessity No. 21109

to provide continuous and adequate sewer 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. 45988 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 19<sup>th</sup> day of March 2019.



Old Tamina Water Supply Corporation  
 Sewer CCN No. 21109  
 PUC Docket No. 45988  
 Obtained New CCN in Montgomery County



**Sewer CCN**

-  21109 - Old Tamina WSC
-  21025 - City of Shenandoah
-  20937 - Chateau Woods MUD
-  21105 - City of Oak Ridge North

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