



Control Number: 46009



Item Number: 6

Addendum StartPage: 0

DOCKET NO. 46009

RECEIVED

APPLICATION OF CRYSTAL §
SPRINGS WATER COMPANY, INC. §
TO AMEND CERTIFICATES OF §
CONVENIENCE AND NECESSITY §
IN MONTGOMERY COUNTY §

PUBLIC UTILITY COMMISSION

2016 JUN 20 PM 2:49
PUBLIC UTILITY COMMISSION
OF TEXAS
CLERK

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

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

I. BACKGROUND

On May 31, 2016, Crystal Springs Water Company, Inc. (Crystal Springs) filed an application with the Public Utility Commission of Texas to amend its water certificate of convenience and necessity (CCN) No. 11373 and sewer CCN No. 20906 in Montgomery County, Texas. Crystal Springs seeks the amendment to provide water utility service to approximately 121 acres of land.

On June 3, 2016, the administrative law judge (ALJ) issued Order No. 1, requiring that Staff file comments on the administrative completeness of Crystal Springs' application and proposed notice by June 30, 2016. The ALJ also ordered staff to file comments/recommendation regarding how the petition should be processed and to propose a procedural schedule by June 30, 2016.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed Crystal Springs' application and, as supported by the attached memorandum from Jolie Mathis and Kristy Nguyen of the Commission's Water Utility Regulation Division, recommends that the application be found administratively complete pursuant to 16 Tex. Admin. Code § 24.8 (TAC).

III. NOTICE REQUIREMENTS

Notice requirements for CCN applications are governed by Tex. Water Code Ann. § 13.246 and 16 TAC § 24.106. Staff has reviewed Crystal Springs' proposed notice and recommends that it meets the requirements of the rule. Therefore, Staff recommends that Crystal Springs send notice to all affected parties. Based on the memorandum of Jolie Mathis and Kristy Nguyen, Staff recommends the following:

1. In addition to the persons listed in the application, 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 (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. publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County;
2. The Applicant should include copy of a map showing the proposed service 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 proposed area with each individual notice. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>

It is recommended that the Applicant use the notice and affidavit included with Staff's memo to meet these requirements.

IV. PROCEDURAL SCHEDULE

The Applicant has not yet received TCEQ approval for its plans, which are required to process this docket. Therefore, Staff proposes that this docket be abated until the Applicant submits proof of TCEQ approval. If Applicant has not submitted proof of TCEQ approval within 60 days, Staff will move for this docket to be dismissed without prejudice. Staff proposes the following procedural schedule:

Event	Date
Deadline for Crystal Springs to file proof of TCEQ approval plans	August 29, 2016
Deadline for Staff to review Crystal Springs' proof of TCEQ plans	Within 10 days of Crystal Springs filing proof of TCEQ approval of plans

V. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that Crystal Springs' application be found administratively complete. Staff further recommends that Crystal Springs be directed to provide proof of TCEQ approval plans and to file proof of notice as detailed above. Additionally, Staff recommends that Staff's proposed procedural schedule be adopted.

Dated: June 30, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney



Vera Dygert
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P.O. Box 13326
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(512) 936-7230
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DOCKET NO. 46009

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the June 30, 2016, in accordance with 16 TAC § 22.74.



Vera Dygert

PUC Interoffice Memorandum

To: Vera Dygert, Attorney
Legal Division

Through: Lisa Fuentes, Manager
Heidi Graham, Engineering Manager
Water Utilities Division

From: Jolie Mathis, Engineering Specialist
Kristy Nguyen, GIS Specialist
Water Utilities Division

Subject: **Docket 46009**, *Application of Crystal Springs Water Co. to Amend a Certificate of Convenience and Necessity (CCN) in Montgomery County (Ponderosa Pines)*

Date: June 24, 2016

On May 31, 2016, Crystal Springs Water Co., Inc. (Crystal Springs) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11373 and sewer CCN No. 20906 in Montgomery County, Texas pursuant to Texas Water Code Ann. (TWC) §§ 13.242-250 and the 16 Tex. Admin. Code (TAC) §§ 24.101-107.

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. In addition to the persons listed in the application, 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 (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. publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County;
2. The Applicant should include copy of a map showing the proposed service 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 proposed area with each individual notice. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>
3. The Applicant should 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 notice and affidavit to meet these requirements.

Notice to Neighboring Systems, Landowners and Cities

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

To: _____
(Neighboring System, Landowner or City)

(Address)

(City State Zip)

Date Notice Mailed: _____, 2016

Crystal Springs Water Company, Inc. has filed an application with the Public Utility Commission of Texas to amend its water CCN No. 11373 and sewer CCN No. 20782 for the provision of water and sewer utility service in Montgomery County.

The proposed utility service area is located approximately **3.5 mile(s) east of downtown Cut and Shoot**, Texas, and is **generally** bounded on the north by **State Highway 105**; on the east by **S. Walker Road**; on the south by **Old Highway 105**; and on the west by **a line 4,450 feet west of and parallel to S. Walker Road**.

See enclosed map of the proposed service area.

The total proposed area for the CCNs being requested includes approximately 121 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.

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, 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 requests to opt out of the requested service area must include a large scale 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 for Publication

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

Crystal Springs Water Company, Inc. has filed an application with the Public Utility Commission of Texas to amend its water CCN No. 11373 and sewer CCN No. 20782 for the provision of water and sewer utility service in Montgomery County.

The proposed utility service area is located approximately 3.5 mile(s) east of downtown Cut and Shoot, Texas, and is generally bounded on the north by State Highway 105; on the east by S. Walker Road; on the south by Old Highway 105; and on the west by a line 4,450 feet west of and parallel to S. Walker Road.

A copy of the proposed service area map may be viewed at: WaterEngineers, Inc., 17230 Huffmeister Road, Suite A, Cypress, Texas 77429, (281) 373-0500.

The total proposed area for the CCNs being requested includes approximately 121 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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The seal of the Public Utility Commission of Texas is a circular emblem. It features a five-pointed star in the center, with a smaller star below it. The words "PUBLIC UTILITY COMMISSION" are inscribed in a circle around the top, and "OF TEXAS" is at the bottom. A small figure of a person is visible at the bottom center of the seal.

DOCKET NO. 46009

COUNTY OF Montgomery

... ,who being by me

of the _____
(NAME OF UTILITY)

(METHOD USED TO PROVIDE NOTICE)

(SIGNATURE OF UTILITY OFFICIAL)

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. 46009

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 _____, 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 _____