

Control Number: 46078



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DOCKET NO. 46078

PETITION OF MONTERREY OAKS, LTD §
TO AMEND THE CITY OF §
SPLENDORA'S CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
MONTGOMERY COUNTY BY §
EXPEDITED RELEASE §

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COMMISSION STAFF'S SECOND RECOMMENDATION ON SUFFICIENCY

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Commission Staff's Second Recommendation on Sufficiency. In support thereof, Staff shows the following:

I. BACKGROUND

On June 20, 2016, Monterrey Oaks, LTD (Monterrey Oaks) filed a petition for expedited release from the City of Splendora's (Splendora) water certificate of convenience and necessity (CCN) No. 111727 in Montgomery County, Texas.

In Order No. 2, issued July 17, 2016, the Administrative Law Judge (ALJ) found the petition administratively incomplete and ordered Monterrey Oaks to file a notarized affidavit stating that the subject property is not receiving water service by August 19, 2016. Order No. 2 also ordered Staff to file a supplemental recommendation by September 19, 2016. Monterrey Oaks filed a notarized affidavit on July 25, 2016. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed Monterrey Oaks' petition, as amended by the notarized affidavit, and as supported by the attached memorandum of Janie Kohl and Kristy Nguyen of the Water Utilities Division, Staff recommends that the amended petition is administratively complete. The notarized affidavit provided by Monterrey Oaks provides adequate information for Staff to continue its review of the petition to make a recommendation on whether it satisfies the requirements of TWC § 13.254(a-5) and 16 TAC § 24.113(r).

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Order regarding administrative completeness of petition	Date of Order
Deadline for Splendor to file a response to the administratively complete petition	Seven (7) days from the date of the Order deeming the petition administratively complete
Deadline for Staff to file a recommendation on final disposition	Seven (7) days from the deadline for Splendor to file its response
Deadline for Monterrey Oaks to respond to Splendor's response and Staff's recommendation on final disposition	Seven (7) days from the deadline for Staff to file its recommendation on final disposition
60-day administrative approval	Sixty (60) days from the Order deeming the petition administratively complete

IV. CONCLUSION

Staff respectfully requests the entry of an order finding Monterrey Oaks' petition administratively complete, and adopting Staff's proposed procedural schedule.

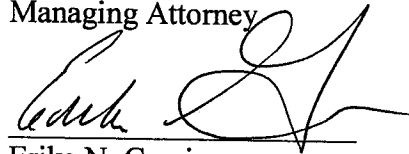
Dated: August 3, 2016

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

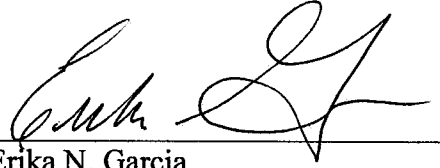
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DOCKET NO. 46078
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record August 4, 2016,
in accordance with 16 TAC § 22.74.

A handwritten signature in black ink, appearing to read 'Erika N. Garcia', is written over a horizontal line.

Erika N. Garcia

PUC Interoffice Memorandum

To: Erika Garcia
Legal Division

Thru: Heidi Graham, Engineering Manager
Tammy Benter, Director
Water Utilities Division

From: Janie Kohl, Financial Analyst
Kristy Nguyen, GIS Specialist
Water Utilities Division

Date: August 1, 2016

Subject: **Docket No. 46078**, Petition of Monterrey Oaks, Ltd. to Amend the City of Splendora's Certificate of Convenience and Necessity in Montgomery County by Expedited Release

On June 20, 2016, Monterrey Oaks, Ltd (Petitioner) filed with the Public Utility Commission of Texas (Commission) a petition for expedited release from the City of Splendora's (Splendora) water Certificate of Convenience and Necessity (CCN) No. 11727 in Montgomery County. This petition is being reviewed under Tex. Water Code § 13.254 (a-5) (TWC) and 16 Tex. Admin. Code § 24.113(r) (TAC). Petitioner asserts that the land is at least 25 acres, is not receiving water or sewer service, and is located in Montgomery County, which is a qualifying county.

On July 25, 2016, the Petitioner provide a notarized affidavit signed by the landowner, stating that the subject property has never received water service from Splendora as evidence in support of the petition. Therefore, Staff recommends the petition be deemed sufficient and accepted for filing.