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DOCKET NO. 46078

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PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK

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

**COMMISSION STAFF'S 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 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 Revised Order No. 1, issued June 22, 2016, the Administrative Law Judge (ALJ) ordered Staff to file comments on the administrative completeness of the petition and notice by July 21, 2016. Therefore, this pleading is timely filed.

**II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS**

Staff has reviewed Monterrey Oaks' Petition, and as supported by the attached memorandum of Janie Kohl and Kristy Nguyen of the Water Utilities Division, Staff recommends that the Petition is not administratively complete. The statement that the subject property is not receiving water or sewer service is contained only in a letter, not in a sworn affidavit. To cure this deficiency, Staff recommends that Monterrey Oaks file a notarized affidavit, signed by the landowner of the subject property, stating that the subject property is not receiving water service from Splendora.

Staff recommends that Monterrey Oaks be given until August 19, 2016 to file an affidavit, and that Staff be given until September 19, 2016 to file a supplemental recommendation.

**III. CONCLUSION**

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

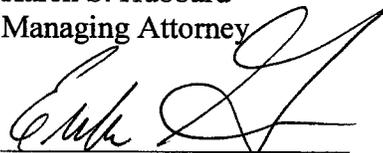
Dated: July 18, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

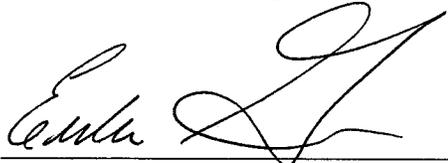
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**DOCKET NO. 46078  
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record July 18, 2016,  
in accordance with 16 TAC § 22.74.



Erika N. Garcia

## PUC Interoffice Memorandum

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**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:** July 14, 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.

The Petitioner submitted an adequate map delineating the requested area for decertification with enough detail to confirm the accurate positioning of their digital data pursuant to 16 TAC § 24.113(r). The map and digital data are sufficient for determining the location of the area requested to be released from Splendora's CCN. Staff confirmed that the total subject property is 102 acres, and determined that the approximately 98 acres eligible for release from Splendora's water CCN are located within the subject property. Furthermore, the Petitioner provided a warranty deed confirming the Petitioner's ownership of the subject property.

Staff has reviewed the petition and determined that there is a deficiency in the petition content, as the statement that the property is not receiving water or sewer service from any provider is contained only in a letter, not in a sworn affidavit. Therefore, Staff recommends the petition is not administratively complete.

In order to cure the identified deficiency, Staff recommends the Petitioner file a notarized affidavit, signed by the landowner of the subject property, stating that the subject property is not receiving water service from Splendora.