



Control Number: 46089



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<p><b>APPLICATION OF QUADVEST, L.P. TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY AND TO DECERTIFY A PORTION OF TRI- COUNTY POINT PROPERTY OWNERS ASSOCIATION INC.'S SERVICE AREA IN JACKSON COUNTY</b></p>	<p>§ § § § § § §</p>	<p><b>PUBLIC UTILITY COMMISSION OF TEXAS</b></p>
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**COMMISSION STAFF'S CLARIFICATION RECOMMENDATION  
AND REQUEST FOR EXTENSION**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Staff's Clarification Recommendation and Request for Extension. Staff recommends that Tri County Point Property Owners Association (Tri County Point) file consent to the final map and certificate and that Staff's deadline be extended to March 2, 2017. In support thereof, Staff shows the following:

**I. BACKGROUND**

On June 21, 2016, Quadvest, L.P. (Quadvest) filed an application with the Commission to amend its water certificate of convenience and necessity (CCN) No. 11612 and to decertify a portion of Tri-County Point Property Owners Association Inc.'s service area in CCN No. 11786 located in Jackson County, Texas. The service area requested consists of approximately 152 acres and there are no current customers.

On January 12, 2017, the administrative law judge (ALJ) issued Order No. 6 Admitting Evidence. Also on January 12, 2017, a third-party, Cape Shores Land Development, LLC filed a letter requesting that the Commission deny Quadvest's application. The ALJ issued Order No. 7 on January 17, 2017, requiring Staff and Quadvest to file a response to Cape Shores' letter by January 31, 2017. Order No. 7 also ordered Staff to comment on whether a new certificate should be issued for Tri County Point and whether their consent is needed. This pleading is therefore timely filed.

**II. COMMENTS REGARDING TRI-COUNTY POINT'S CCN AND CONSENT**

In its application, Quadvest included a letter from Tri County Point consenting to decertification of "approximately 2.39 acres out of Tri County's CCN No. 11786 for purposes of

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incorporating the property into Quadvests L.P.'s ("Quadvest") Proposed CCN application for that certain 152.06 tract of land as shown in Exhibit A, attached hereto."<sup>1</sup> The Tri County Point letter went on to describe the 2.39 acre tract to be decertified as "adjacent to the north bank of Five Mile Creek."<sup>2</sup>

After further consideration, Staff believes it appropriate that in addition to Tri County Point's original consent letter in the application, they should also be given the opportunity to consent to the final map in this proceeding and to a new certificate for CCN No. 11786, attached below. Staff has sent the map and certificate to Tri County Point and recommends that they file signed consent to these documents by February 10, 2017.

### **III. DEVELOPER LETTER & REQUEST FOR EXTENSION**

Staff has communicated with both Renee Howes of Cape Shore Development and Yvette Castro of Quadvest concerning the issue raised in Cape Shores' January 12<sup>th</sup> letter. It is Staff's understanding that Quadvest continues to seek approval of this amendment to its CCN so that it can provide service to the Cape Shores development in the requested area. Quadvest has indicated that it intends to file further information and documentation substantiating its agreement with Cape Shores by the deadline established in Order No. 7. Staff would like time to review any such supplemental information filed by Quadvest and potentially by Cape Shores as well. Accordingly, Staff respectfully requests a 30-day extension until March 2, 2017 to file a supplemental recommendation regarding the final disposition of Quadvest's application.

### **IV. CONCLUSION**

For the reasons stated above, Staff respectfully recommends that Tri County Point be ordered to file signed consent by February 10, 2017 and requests an extension until March 2, 2017 of Staff's deadline to file a supplemental clarifying recommendation.

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<sup>1</sup> Application at 34 (June 21, 2016) (Attachment B).

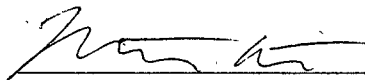
Dated: January 31, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

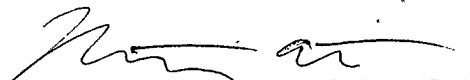
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**P.U.C. DOCKET NO. 46089  
CERTIFICATE OF SERVICE**

I, Matthew Arth, staff attorney for the Public Utility Commission of Texas, certify that a copy of this document was served on all parties of record in this proceeding on January 31, 2017 in accordance with the requirements of 16 Tex. Admin. Code § 22.74.

  
Matthew A. Arth

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<sup>2</sup> *Id.*