

Control Number: 46089



Item Number: 36

Addendum StartPage: 0

RECEIVED

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	§ § § § § § § §	<div style="text-align: right;">2017 APR 18 PM 1:27</div> <div style="text-align: center;"> PUBLIC UTILITY COMMISSION <small>PUBLIC UTILITY COMMISSION FILING CLERK</small> OF TEXAS </div>
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COMMISSION STAFF'S COMMENTS REGARDING INFORMAL DISPOSITION

COMES NOW the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 10 files these Clarification Comments Regarding Informal Disposition. Staff reaffirms its recommendation that this application is appropriate for informal disposition. 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 (Tri County Point) 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 December 14, 2016, Staff filed a Recommendation on Final Disposition. On January 12, 2017, the developer Cape Shores Land LLC (Cape Shores) filed a letter requesting that the Commission deny Quadvest's application. On January 31, 2017, Cape Shores filed another letter. On February 2, 2017, Quadvest filed a Response to Order No. 7. On February 17, 2017, Tri County Point filed a Consent Form. On March 2, 2017, Staff filed a Supplemental Recommendation on Final Disposition, reaffirming its recommendation that the application be approved. On March 9, 2017, Staff and Quadvest filed a Joint Supplemental Motion to Admit Evidence and Amended Proposed Notice of Approval. On March 29, 2017, Cape Shores filed another letter containing further information.

On March 20, 2017, Order No. 9 Admitting Evidence was issued. On March 21, 2017, Order No. 10 was issued requiring Staff to provide by April 18, 2017 the CCN and map which

36

Tri County Point consented to and to also comment on whether this proceeding remains appropriate for informal disposition. Therefore, this pleading is timely filed.

II. CERTIFICATE AND MAP FOR TRI COUNTY POINT

On February 17, 2017, Tri County Point filed signed consent to the final map and to its amended CCN. Order No. 10 required Staff to provide a copy of the map and CCN which Tri County Point consented to. The final map and certificate are attached to this filing as Attachments A and B respectively. Staff notes that the map which Tri County Point consented to is the same final map to which Quadvest also consented.

III. COMMENTS REGARDING INFORMAL DISPOSITION

Staff has reviewed the letter and attachments filed in this docket by Cape Shores on March 29, 2017. In response to the request for comment in Order No. 10, Staff maintains that this proceeding remains appropriate for informal disposition. Pursuant to 16 Tex. Admin. Code § 22.35(a), an application is qualified for informal disposition, i.e. approval without a hearing, if (1) at least 15 days have passed since the completion of all notice requirements, (2) the decision is not adverse to any party other than Staff, and (3) the Commission finds that no hearing is necessary. As to that first prong, Quadvest completed its issuance of notice on August 17, 2016, so at least 15 days have passed since the completion of all notice. As to the third prong, Staff does not believe that a hearing is necessary. Finally, as to the second prong, Staff notes that 16 TAC § 22.35(a)(2) requires only that the decision is not adverse to any *party* other than Staff. Cape Shores did not intervene in this docket prior to the expiration of the intervention deadline on September 16, 2016 and is not a party. Therefore, regardless of whether or not the Commission's approval of Quadvest's application would be adverse to Cape Shores, informal disposition remains appropriate in this docket.

In regard to proposed Finding of Fact No. 23, Staff included that finding in its proposed notice of approval because Staff does not believe that Cape Shores' letters, filed long after the expiration of the intervention and protest period, qualify as a formal protest. However, Staff is unopposed to a revision of that finding of fact to remove any reference to the Commission's receipt of protests.

IV. CONCLUSION

For the reasons stated above, Staff respectfully maintains that this docket remains appropriate for informal disposition and reaffirms its prior recommendation that Quadvest's application be approved.

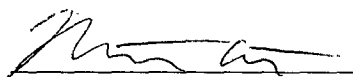
Dated: April 18, 2017

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

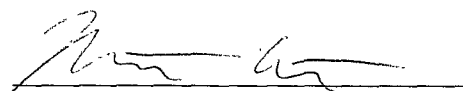
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P.U.C. DOCKET NO. 46089 CERTIFICATE OF SERVICE

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 April 18, 2017 in accordance with the requirements of 16 Tex. Admin. Code § 22.74.


Matthew A. Arth

Attachment A

Final Map

Quadvest, L.P.
 Portion of Water Service Area
 CCN No. 11612
 PUC Docket No. 46089
 Amended CCN No. 11612 and Decertified a Portion of Tri County Point POA, Inc.,
 CCN No. 11786 in Jackson County



Water CCN Service Areas



11612 - Quadvest LP



11786 - Tri County Point POA Inc



0 500 1,000
 Feet

Attachment B

Tri County Point CCN



Public Utility Commission Of Texas

By These Presents Be It Known To All That

Tri County Point Property Owners Association

having obtained certification to provide water 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 the Tri County Property Owners Association is entitled to this

Certificate of Convenience and Necessity No. 11786

to provide continuous and adequate water utility service to that service area or those service areas in Jackson County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 46089 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 the Tri County Property Owners Association, 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 _____ day of _____, 2017.