



Control Number: 46215



Item Number: 15

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RECEIVED

APPLICATION OF THE COMMONS  
WATER SUPPLY, INC. TO AMEND A  
WATER CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
HARRIS COUNTY

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PUBLIC UTILITY COMMISSION  
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PUBLIC UTILITY COMMISSION  
FILING CLERK

**JOINT PROPOSED NOTICE OF APPROVAL AND MOTION TO ADMIT EVIDENCE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, on behalf of itself and The Commons Water Supply, Inc. ("The Commons") and files this Joint Proposed Notice of Approval and Motion to Admit Evidence in response to Order No. 4 and would show the following:

**I. BACKGROUND**

On July 26, 2016, The Commons filed an application with the Public Utility Commission of Texas (Commission) to amend water certificate of convenience and necessity (CCN) No. 12781 in Harris County, Texas. The requested amendments seek to decertify areas that are located within the city limits of the City of Houston, Texas. The area to be decertified for water service is currently served by the City of Houston, The Commons has never served the area to be decertified, and The Commons has no facilities or customers in the area to be decertified.

On November 14, 2016, Order No. 4 was issued establishing a deadline of January 31, 2017 for the parties to file proposed findings of fact, conclusions of law, and ordering paragraphs. This pleading is therefore timely.

**II. MOTION TO ADMIT EVIDENCE**

The parties move to admit the following evidence into the record of this proceeding: (a) The Commons' July 26, 2015 application (AIS Item No. 1); (b) The Commons' September 23, 2016 revised application (AIS Item No. 7); (c) Publisher's affidavit dated October 31, 2016 filed

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with the PUC on November 3, 2016 (AIS Item No. 10); (d) Affidavit signed by Denise Fregeolle-Burk dated November 3, 2016, 2016 attesting to notice mailed on October 21, 2016 (AIS Item No. 10); (e) The Commons' January 4, 2017 Consent form, CCN service area map, and CCN certificate (AIS Item No. 13); and (f) Commission Staff's Final Recommendation dated January 24, 2017 (AIS Item No. 14).

### **III. JOINT PROPOSED NOTICE OF APPROVAL**

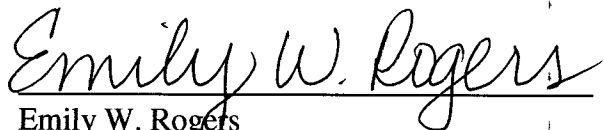
The attached Joint Proposed Notice of Approval will grant The Commons' application to amend its water CCN No. 12781.

### **IV. CONCLUSION**

The parties respectfully request that the Commission grant the motion to admit the evidence specified above and adopt the attached Joint Proposed Notice of Approval.

Respectfully submitted,

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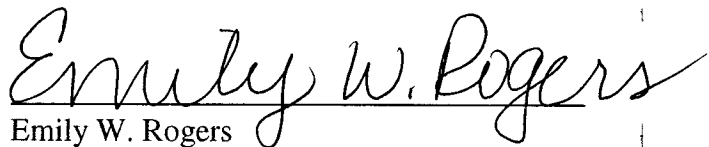
By:   
Emily W. Rogers  
State Bar No. 24002863

ATTORNEY FOR THE  
COMMONSWATER SUPPLY, INC.

**CERTIFICATE OF SERVICE**

I hereby certify by my signature below that on the 31<sup>st</sup> day of January, 2016, a true and correct copy of the above and foregoing document was served via hand delivery on all parties of record in accordance with 16 TAC § 22.74.

Margaret Uhlig Pemberton  
Karen S. Hubbard  
Ralph J. Daigneault,  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
PO Box 13326  
Austin, TX 78711-3326

  
Emily W. Rogers

**DOCKET NO. 46215**

**APPLICATION OF THE COMMONS  
WATER SUPPLY, INC. TO AMEND A  
WATER CERTIFICATE OF  
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HARRIS COUNTY**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**JOINT PROPOSED NOTICE OF APPROVAL**

This Joint Proposed Notice of Approval addresses the application of The Commons Water Supply, Inc. ("The Commons") for approval of amendments to its water Certificate of Convenience and Necessity (CCN) No. 12781 in Harris County, Texas. Public Utility of Texas Commission Staff (Commission Staff) recommended approval of the application. Consistent with Commission Staff's recommendation, the application is approved.

The Commission adopts the following findings of fact and conclusions of law:

**I. FINDINGS OF FACT**

**Procedural History, Description, and Background**

1. On July 26, 2016, The Commons filed an application with the Public Utility Commission of Texas (Commission) to amend water CCN No. 12781 in Harris County, Texas.
2. The requested amendments seek to decertify areas that are located within the city limits of the City of Houston, Texas. The area to be decertified for water service is currently served by the City of Houston, The Commons has never served the area to be decertified, and The Commons has no facilities or customers in the area to be decertified.
3. Order No. 1, issued July 28, 2016, set an initial deadline of August 25, 2016, for Commission Staff to file comments on the administrative completeness of the application.
4. On September 23, 2016, The Commons filed a revised application with the Commission to amend water CCN No. 12781 in Harris County, Texas.

5. Order No. 3, issued October 12, 2016, found the application administratively complete, directed The Commons to provide notice, and established deadlines for further processing of the application.
6. On November 3, 2016, The Commons filed affidavits of notice attesting to the provision of notice of the application by direct mail to neighboring systems, landowners, and cities, and by publication in a newspaper of general circulation in Harris County.
7. The Commons provided notice of the application by publication in the *Houston Chronicle* on October 21 and 28, 2016. A publisher's affidavit dated October 21, 2016 and signed by Victoria Bond, a representative of the *Houston Chronicle*, attests to this notice.
8. The Commons provided notice of the application to neighboring systems and cities on October 21, 2016. An affidavit dated November 3, 2016 and signed by Denise Fregeolle-Burk attests to this notice. Notices that were provided to the cities and neighboring systems are attached to the November 3, 2016 affidavit.
11. Order No. 4, issued November 14, 2016, adopted a procedural schedule for the remainder of the docket.
12. On January 4, 2017, The Commons filed a form consenting to the CCN service area maps and CCNs transmitted by the Commission Staff. A copy of the CCN service area maps and CCNs are attached to this Notice of Approval.
13. On January 24, 2017, Commission Staff filed a Final Recommendation, recommending that the application be approved.

**Evidence**

15. On \_\_\_\_\_, 2017, Order No. \_\_\_\_ was issued, admitting the following evidence into the record:

- a). The Commons' July 26, 2015 application (AIS Item No. 1);
- (b) The Commons' September 23, 2016 revised application (AIS Item No. 7);
- (c) Publisher's affidavit dated October 31, 2016 filed with the PUC on November 3, 2016 (AIS Item No. 10);
- (d) Affidavit signed by Denise Fregeolle-Burk dated November 3, 2016, 2016 attesting to notice mailed on October 21, 2016 (AIS Item No. 10);
- (e) The Commons' January 4, 2017 Consent form, CCN service area map; and CCN certificate (AIS Item No. 13); and
- (f) Commission Staff's Final Recommendation dated January 24, 2017 (AIS Item No. 14).

**Informal Disposition**

18. More than 15 days have passed since the completion of the notice provided in this docket.
19. No protests have been filed. No requests for hearing have been filed. No issues of fact or law are disputed by any party; therefore, no hearing is necessary.
20. The criteria for informal disposition pursuant to 16 Tex. Admin. Code § 22.35 (TAC) have been satisfied in this proceeding.
21. Consistent with Commission Staff's recommendation, the application is reasonable, consistent with the public interest, and should be approved.

**II. CONCLUSION OF LAW**

1. The Commission has jurisdiction and authority over this docket pursuant to Texas Water Code (TWC) §§ 13.041, 13.241, 13.244, and 13.246, and 16 TAC § 24.101 and 24.102.
2. The Commons is a water utility as defined in TWC § 13.002(23) and 16 TAC § 24.3(54).

3. The Commons has provided notice in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The Commons has demonstrated that the application meets the requirements set forth in TWC §§ 13.241, 13.244, and 13.246, and 16 TAC § 24.101 and 24.102 to be granted amendments to its CCNs.
6. The Commons demonstrated that an amendment to its CCN No. 12781 is necessary for the service, accommodation, convenience, or safety of the public, as required under TWC § 13.246(b) and 16 TAC § 24.102(c).

### **III. ORDERING PROVISIONS**

In accordance with these findings of fact and conclusions of law, the Commission issues the following order:

1. Consistent with Commission Staff's recommendation and this Notice, The Commons' application is approved.
2. The Commons' water CCN No. 12781 is amended consistent with this Notice.
3. The Commons' shall serve every customer and applicant within the areas certificated under its water CCN No. 12781, and such service shall be continuous and adequate.
4. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

**SIGNED AT AUSTIN, TEXAS the \_\_\_\_\_ day of \_\_\_\_\_ 2017.**

**PUBLIC UTILITY COMMISSION OF TEXAS**