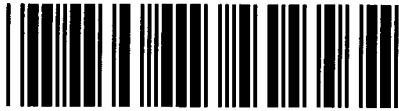


Control Number: 46215



Item Number: 8

Addendum StartPage: 0

PETITION OF THE COMMONS §
 WATER SUPPLY, INC. TO §
 DECERTIFY AREA FROM ITS §
 CERTIFICATE OF CONVENIENCE §
 AND NECESSITY IN HARRIS COUNTY §

PUBLIC UTILITY COMMISSION

2016 SEP 10 PM 12:00
 PUBLIC UTILITY COMMISS
 FILING CLERK

OF TEXAS

**COMMISSION STAFF'S RECOMMENDATION FINDING APPLICATION
 ADMINISTRATIVELY COMPLETE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to Order No. 2 and Recommendation Finding Application Administratively Complete. In support thereof, Staff shows the following:

I. Background

On July 26, 2016, The Commons Water Supply, Inc. (The Commons) filed a petition to decertify area from its water certificate of convenience (CCN) No. 12781 in Harris County. On September 23, 2016, The Commons filed a form 10362 petition to amend its water CCN and supplement its application.

On August 26, 2016, Order No. 2 was issued requiring Staff to file comments regarding administrative completeness of the application and propose a procedural schedule by October 10, 2016. Accordingly, this pleading is timely filed.

II. Comments and Recommendation on Administrative Sufficiency

Staff recommends restyling this docket as "*Application of The Commons Water Supply, Inc. to Amend a Water Certificate of Convenience and Necessity in Harris County*" to reflect the intent of the application and the subsequent filing of the PUC form 10362 petition by The Commons to amend its water CCN.

Review for administrative completeness of CCN applications is governed by 16 Tex. Admin. Code § 24.8 (TAC). Furthermore, 16 TAC § 24.105 provides the Commission's required contents of a CCN application, and 16 TAC § 24.106 provides the Commission's notice

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requirements for CCN applications. As supported by the attached memorandum of Debbie Reyes Tamayo, Program Specialist and Gary Horton, GIS Specialist with the Water Utilities Division, Staff recommends the application be deemed administratively complete and sufficient for filing pursuant to 16 TAC §24.8. Staff also recommends the following:

1. The Applicant shall provide notice of the application to the following:
 - a) any districts, utilities, and cities within two (2) miles of the proposed area;
 - b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be decertified;
 - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be decertified;
 - d) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Harris County.
2. The Applicant shall provide notice of the application to the following:
 - Aqua Texas, Inc. (CCN 13203)
 - City of Houston
 - Coastal Water Authority
 - Gulf Coast Waste Disposal Authority
 - Harris County
 - Harris County FCD
 - Harris County MUD 415
 - Harris County 483
 - Harris County 518
 - Harris-Galveston Coastal Subsidence District
 - Luce Bayou PUD
 - Pine Bough PUD
 - Port of Houston Authority
3. The Applicant should include a copy of a map with the individual notices to customers, neighboring utilities, and other affected parties. The map should show only the proposed service area(s) with enough detail to accurately locate the proposed service area(s) in reference to verifiable man-made and/or natural landmarks such as roads, railroads, and rivers. It is the Applicant's burden to provide an accurate map delineating the proposed area with each individual notice. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>.

Staff further recommends that within 30 days of the Commission order, The Commons submit a copy of the actual notice issued, the map issued with the individual mailed notice, tear

sheets of the newspaper notice, and the signed affidavits (copies attached), indicating that the notice was given.

III. Proposed Procedural Schedule

Staff recommends the application be found administratively complete. Staff therefore proposes the following procedural schedule:

Event	Date
Deadline for The Commons to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation	November 29, 2016
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Applicant filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

IV. Conclusion

Staff respectfully requests that an order be issued consistent with this Recommendation.


Dated: October 10, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney




Ralph J. Daigneault
State Bar No. 24040755
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7348
(512) 936-7268 (facsimile)

DOCKET NO. 46215

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on October 10, 2016, in accordance with 16 TAC § 22.74.



Ralph J. Daigneault

PUC Interoffice Memorandum

To: Ralph Daigneault, Attorney
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Manager
Water Utility Regulation Division

From: Debbie Reyes Tamayo, Program Specialist
Gary Horton, GIS Specialist
Water Utility Regulation Division

Date: October 10, 2016

Subject: **Docket No. 46215**, *Application of the Commons Water Supply, Inc. to Decertify a Portion of Area from its Certificate of Convenience and Necessity in Harris County*

On July 26, 2016, The Commons Water Supply, Inc. ("Applicant") filed a petition to decertify a portion of an area from its water Certificate of Convenience and Necessity (CCN) No. 12781 in Harris County pursuant to Texas Water Code Ann. (TWC), §§ 13.242 to 13.250 and the 16 Tex. Admin Code (TAC) §§ 24.101 to 24.107. On September 23, 2016, the Applicant filed a form 10362 petition to amend its water CCN and supplement its application.

Staff has reviewed the information in the amended application and finds the application administratively complete and sufficient for filing pursuant to 16 TAC §§24.8. Staff further recommends the following:

- 1) The Applicant provide notice of the application to the following:
 - a) any districts, utilities, and cities within two (2) miles of the proposed area;
 - b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be decertified;
 - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be decertified;
 - d) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Harris County.
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 - Gulf Coast Waste Disposal Authority
 - Harris County
 - Harris County FCD
 - Harris County MUD 415
 - Harris County 483
 - Harris County 518
 - Harris-Galveston Coastal Subsidence District
 - Luce Bayou PUD
 - Pine Bough PUD

- Port of Houston Authority

- 3) The Applicant should include a copy of a map with the individual notices to customers, neighboring utilities, and other affected parties. The map should show **only** the proposed service area(s) with enough detail to accurately locate the proposed service area(s) in reference to verifiable man-made and/or natural landmarks such as roads, railroads, and rivers. It is the Applicant's burden to provide an accurate map delineating the proposed area with each individual notice. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at **<http://www14.tceq.texas.gov/iwud/>**

Within 30 days of the Commission order, the Applicants should submit a copy of the actual notice issued, the map issued with the individual mailed notice, tear sheets of the newspaper notice, and the signed affidavits (copies attached), indicating that the notice was given.

NOTICE FOR PUBLICATION

NOTICE OF APPLICATION TO AMEND/DECERTIFY A PORTION OF A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 12781 IN HARRIS COUNTY, TEXAS

The Commons Water Supply, Inc. has filed an application with the Public Utility Commission of Texas to decertify a portion of their water CCN No. 12781 in Harris County.

The area subject to this transaction is located approximately 5 miles northeast of downtown Kingwood, Texas, and is generally bounded on the north by Lago Trace Drive; on the east by FM 2100; on the south by Magnolia Point Drive; and on the west by East Fork San Jacinto River.

The total area being requested includes approximately 144 acres and serves 0 current customers.

A copy of the proposed service area map is available at: 3303 W Davis Street, Suite 100, Huffman, TX 77304, 512-472-8021.

A request for a public hearing must be in writing. You must state (1) your name, mailing address; and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the commission will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

Si desea informacion en Espanol, puede llamar al 1-512-936-7221

Notice to Neighboring Systems, Customers and Cities

NOTICE OF APPLICATION TO AMEND/DECERTIFY A PORTION OF A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 12781 IN HARRIS COUNTY, TEXAS

To: _____
(Neighboring System, Customers or City)

(Address)

(City State Zip)

Date Notice Mailed: _____, 2016

The Commons Water Supply, Inc. has filed a petition with the Public Utility Commission of Texas to decertify a portion of an area from its water certificate of convenience (CCN) No. 12781 in Harris County.

The area subject to this transaction is located approximately 5 miles northeast of downtown Kingwood, Texas, and is generally bounded on the north by Lago Trace Drive; on the east by FM 2100; on the south by Magnolia Point Drive; and on the west by East Fork San Jacinto River.

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Si desea informacion en Espanol, puede llamar al 1-512-936-7221 or 512-472-8021

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, CUSTOMERS AND CITIES
DOCKET NO. 46215

STATE OF TEXAS
COUNTY OF _____

_____ as provided individual notice to the
following entities, customers and cities:

DATE

_____	_____
_____	_____
_____	_____
_____	_____

OATH

I, _____, being duly sworn, file this form as
_____ (indicate relationship to applicant, that is,
owner, member of partnership, title of officer of corporation, or other authorized representative of
applicant); that in such capacity, I am qualified and authorized to file and verify such form, am
personally familiar with the notices given with this application, and have complied with all notice
requirements in the application and application acceptance letter; and that all such statements made
and matters set for therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant,
or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. 46215

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared

_____,
who being by me duly sworn, deposes and that (s)he is the

_____ of the _____
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas;
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 20____
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____