

Control Number: 46336



Item Number: 14

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MEMORANDUM



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www.freese.com

TO: Sam Chang, Public Utility Commission of Texas

CC: Greg Charles and Kristy Nguyen, Public Utility Commission of Texas
David Esquivel, P.E., City of Tomball

FROM: Richard Weatherly, P.E., and Kristen Burns, E.I.T., Freese and Nichols, Inc.

SUBJECT: Response to Order No. 3 on Docket No. 46336

DATE: January 9, 2017

PROJECT: Application of the City of Tomball to Obtain Water and Sewer CCNs in Harris and Montgomery Counties

RECEIVED
2017 JAN 10 PM 3:01
PUBLIC UTILITY COMMISSION
FILING CLERK

On November 17, 2016, the Public Utility Commission (PUC) of Texas issued Order No. 3 deeming the City of Tomball's application to obtain new water and sewer Certificates of Convenience and Necessity (CCNs) in Harris and Montgomery Counties administratively complete. Order No. 3 also outlined notice requirements and a procedural schedule. Order No. 4, issued on January 5, 2017, extended the procedural schedule.

Freese and Nichols, Inc. (FNI) has assisted the City of Tomball in providing a response to Order No. 3. The response consists of the following items:

1. Affidavit evidencing proof of notice of neighboring systems, cities and landowners including a list of entities notified and a copy of the notification letter.
2. Publishers affidavit evidencing proof of notice of publication and copies of the proposed water and sewer CCN mapping that was available for viewing at Tomball City Hall.

We look forward to your review and please contact Richard Weatherly (713) 600-6824 or Kristen Burns (832) 456-4735 if you have any questions or comments.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, CUSTOMERS AND AFFECTED PARTIES
DOCKET NO: 46336

STATE OF TEXAS
COUNTY OF Harris

has provided individual notice to the following entities:

_____	See Attached	_____	DATE
_____	List of Entities	_____	<u>11/29/2016</u>
_____	Notified	_____	_____
_____		_____	_____

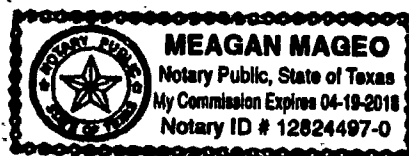
OATH

I, David Esquivel, PE, being duly sworn, file this form as
Public Works Director (indicate relationship to applicant, that is owner,
member or 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 forth
therein are true and correct.

David Esquivel
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 29 day of November, 2016 to certify which
witness my hand and seal of office.



Meagan Mageo
Notary Public in and for the State of Texas

Meagan Mageo
Print or Type Name of Notary Public

Commission Expires 04-19-2018

Entities Notified
615 Willow Creek Development LTD
B J Services Company USA
Baker Hughes Oilfield Operations Inc
Bcde LTD
Brown Road Timber Resources LLC
Browning Diana Lynn
Cadwalder Anstrand Family
CC Telge Road LP
Cherry Ventures LP
Cunningham Interests II LTD
Denina Family Ptnr LTD
Exxon Mobil Corporation
First Baptist Church Of Tomball
Hendricks Randal A
JC Yang LLC
JM Assets LP
Klein ISD
Lang Carolyn
Maple Group LTD A Texas LTD PartnerSHIP
Maple Residential LTD Et Al
Maritia LP
Matthews Richard C & Judy
Meuth Thomas L & Brenda J
Michel Family Irrevocable Trust
Michel Melvin E & Tracy A
Midkiff James J
Milmo Maxine I
Missouri Pacific Railroad Company
Mueller Allen H
North Harris County College
Par Real Estate Holdings LLC
Parquint 2920 LP
Raburn Resources LLC
Randall John W Jr & Tracy A
RMDMG LTD
Schultz Beverly
Schultz Sandra
Smith Family Trust
State Of Texas
Tcc Development Inc
Teppco Crude Pipeline LP
Theis A W
Theis A W Jr
Tomball 39 Partners LLP
Tomball Country Club

Entities Notified
Tomball Economic Dev Corp
Tomball Gun Club Inc
Tomball ISD
Tomball Texas Hospital Company LLC
Turrubiarres Jose
Vairin Ken & Betty
Wall Janice F
Wal-Mart Stores Inc
Wilkins Larry G
Wilson Kenneth R & Sonja K
Zion Road Properties LLC
Eiland, Nancy May
Huebner, Martha M-Trustee
Montgomery County
Moore, Robert & Thomas Moore
Neidigk Ranch LTD
Schiel, Marvin M & Rhonda Trustees
Stedham Pauline Michel
Walker, Michel G
Albury Manor Utility Company
Aqua Texas Inc
Arch Utility
Bilma PUD
Bridgestone MUD
Champs Water Company Inc
Charterwood MUD
City Of Houston
City Of Stagecoach
Coastal Water Authority
Cy Forest WSC
Cypress Creek Utility District
Cypress Forest PUD
Cypress Garden Mobile Home Sub
Cypress Hill MUD 1
Cypress Klein Utility District
Cypresswood Estates
Dowdell PUD
Encanto Real Utility District
Faulkey Gully MUD
Grant Road PUD
Gulf Coast Waste Disposal Authority
Hardin Store Road MUD 1
Harris County
Harris County FCD
Harris County ID 17

Entities Notified
Harris County MUD 1
Harris County MUD 18
Harris County MUD 24
Harris County MUD 273
Harris County MUD 280
Harris County MUD 281
Harris County MUD 282
Harris County MUD 286
Harris County MUD 360
Harris County MUD 364
Harris County MUD 365
Harris County MUD 367
Harris County MUD 368
Harris County MUD 383
Harris County MUD 387
Harris County MUD 388
Harris County MUD 389
Harris County MUD 391
Harris County MUD 401
Harris County MUD 416
Harris County MUD 468
Harris County MUD 480
Harris County MUD 530
Harris County MUD 531
Harris County WCID 114
Harris County WCID 119
Harris-Galveston Coastal Subsidence District
Harris-Montgomery Counties MUD 386
HMW SUD
HOE WSC
Inline Development Corporation
J&S Water Co LLC
Johnston Water Utility LLC
Kleinwood MUD
Lake Forest Utility District
Lincoln Square Water System
Lone Star GCD
Louetta North PUD
Malcomson Road UD
Monarch Utilities I LP
Montgomery County MUD 123
Montgomery County MUD 137
Montgomery County MUD 46
Montgomery County MUD 60
Montgomery County

Entities Notified
Nerro Supply Investors LLC
North Harris County Regional Water Authority
Northampton MUD
Northpointe WCID
Northwest Harris County MUD 10
Northwest Harris County MUD 15
Northwest Harris County MUD 19
Northwest Harris County MUD 30
Northwest Harris County MUD 32
Northwest Harris County MUD 5
Oakmont Public Utility District
Orchard Crossing
Pine Knob Estates Water
Pinehurst Decker Prairie WSC
Pinewood Community LP
Pitcairn WSC
Port Of Houston Authority
Quadvest LP
Rosehill Ranchettes Water System
San Jacinto River Authority
SC Utilities
South Central Water Company
Spring Creek Forest PUD
T&W Water Service
Tall Pines Utility Inc
Telge Pines Poa Inc
Timbercrest Partners LLC
Twan Development LLC
Utilities Investment Co Inc
Waynewood Place Civic Club Inc
Westwood Magnolia Parkway Improvement District
Windwood Water System Inc
Winterhaven HOA
Wood Trace MUD 1
Wood Trace MUD 2
Wood Trace MUD 3
Woodland Oaks Utility Co Inc
Woodmark Water LC
Northwest Water Systems Inc

Notice to Neighboring Systems, Cities and Landowners

NOTICE OF APPLICATION TO OBTAIN CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) FOR THE PROVISION OF WATER AND SEWER SERVICE IN MONTGOMERY AND HARRIS COUNTIES, TEXAS

To: «AddressBlock»

Date Mailed: 11/28/2016

The City of Tomball has submitted an application with the Public Utility Commission of Texas to obtain CCNs to provide water and sewer service in Montgomery and Harris Counties.

The proposed utility area is located within approximately 0 miles from downtown **Tomball, Texas**, and is generally bounded on the north by **Hardin Store Road**; on the east by **0.75 miles east of Hufsmith Kohrville Road**; on the south by **Boudreaux Road**; and on the west by **2 miles west of SH 249**.

The total area being requested includes approximately 11,830 acres for water, 12,320 acres for sewer, and serves 12,000 current customers.

See enclosed map of the proposed service area.

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:

Public Utility Commission of Texas
Central Records
1701 North Congress, P.O. Box 13326
Austin, TX 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.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a large scale map and a metes and bounds description of the tract of land.

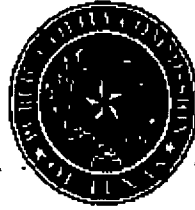
Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Public Utility Commission of Texas
Central Records
1701 North Congress, P.O. Box 13326
Austin, TX 78711-3326

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

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

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. 46336

STATE OF TEXAS
COUNTY OF Harris

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

David Gohman

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

Sales Rep of the Tomball Potpourri
(TITLE) (NAME OF NEWSPAPER)

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

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

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

12/7/16 + 12/14/16
(DATES)

David Gohman
(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

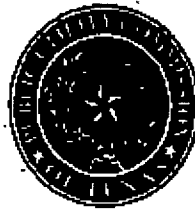
Subscribed and sworn to before me this 14 day of December, 2016
to certify which witness my hand and seal of office.

[Signature]
Notary Public in and for the State of Texas

Kevin Lee
Print or Type Name of Notary Public

Commission Expires 12/16/20

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT DOCKET NO. 46336

STATE OF TEXAS

COUNTY OF Montgomery

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

David Gohara

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

Sales Rep of the Tarbell Reporter
(TITLE) (NAME OF NEWSPAPER)

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

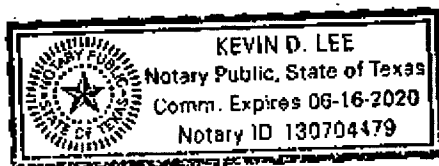
and generally circulated in Montgomery, Texas;
(COUNTY/COUNTIES)

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

12/7/16 + 12/14/16
(DATES)

David Gohara
(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this 14 day of December, 2016
to certify which witness my hand and seal of office.



[Signature]
Notary Public in and for the State of Texas

Kevin Lee
Print or Type Name of Notary Public

Commission Expires 6/16/20

OVERSIZED DOCUMENTS

NEWSPAPER CLIPPINGS

TO VIEW OVERSIZED DOCUMENTS,
CONTACT CENTRAL RECORDS AT
512-936-7180

**OVERSIZED
DOCUMENTS - MAPS**

**TO VIEW OVERSIZED
MAPS – PLEASE
CONTACT CENTRAL
RECORDS AT
512-936-7180**