



Control Number: 46412



Item Number: 11

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RECEIVED

APPLICATION OF MSEC  
ENTERPRISES, INC. TO AMEND A  
SEWER CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
MONTGOMERY COUNTY

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§  
§  
§  
§

PUBLIC UTILITY COMMISSION  
2016 DECEMBER 2: 10  
OF TEXAS  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION THAT NOTICE BE DEEMED  
SUFFICIENT**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 2 and Recommendation that Notice be Deemed Sufficient. In support thereof, Staff would show the following:

**I. Background**

On September 29, 2016, MSEC Enterprises, Inc. (MSEC) filed an application to amend its sewer certificate of convenience and necessity (CCN) no. 20984 in Montgomery County. The total area requested includes approximately 38 acres of land and no current customers.

On November 3, 2016, Order No. 2 was issued requiring MSEC to file to provide the Commission with the Affidavits of Notice, along with the individual notice issued including the accompanying map, and the published notice, by December 13, 2016. MSEC filed Affidavits of Notice, along with the individual notice issued including the accompanying map, and the published notice, on December 7, 2016. Order No. 2 also required Staff to provide comments on proof of notice within 14 days of MSEC filing proof of notice. Accordingly, this pleading is timely filed.

**II. Recommendation on Notice**

Staff reviewed the information provided by MSEC in response to Order No. 2. The application was accepted for filing by the Commission on November 3, 2016. Notice was sent on November 2, 2016, to neighboring utilities, landowners, and cities in accordance with 16 Tex. Admin. Code § 24.106 (TAC). Notice was published in the Montgomery County News on the 16<sup>th</sup> and 23<sup>rd</sup> of November, 2016. MSEC filed the affidavits of proof of notice on December 7, 2016. Staff recommends notice is sufficient.

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### **III. Proposed Procedural Schedule**

Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Notice completed	November 23, 2016
Deadline for intervention	December 23, 2016 <sup>1</sup>
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to MSEC for review and consent	January 31, 2017
Deadline for MSEC to file signed consent forms with the Commission	February 14, 2017
If no hearing is requested, deadline for Staff to file a final recommendation on MSEC	February 21, 2017
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	February 28, 2017

### **IV. Conclusion**

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

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<sup>1</sup> "Pursuant to 16 TAC § 24.106(a)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was mailed on November 2, 2016, and published on November 16, 2016 and November 23, 2016. Therefore, 30 days after November 23, 2016 is December 23, 2016." The PUC will be open until noon on December 23, 2016.

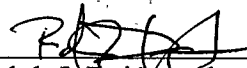
**Dated: December 21, 2016**

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**DOCKET NO. 46412**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on December 21, 2016, in accordance with 16 TAC § 22.74.

  
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Ralph J. Daigneault