



Control Number: 46412



Item Number: 24

Addendum StartPage: 0

DOCKET NO. 46412

RECEIVED

2017 MAY 19 PM 1:55

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

PUBLIC UTILITY COMMISSION

OF TEXAS

**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 and MSEC Enterprises, Inc. (“MSEC”) (together the “Parties”), and files this Joint Proposed Notice of Approval and Motion to Admit Evidence in response to Order No. 5 and would show the following:

I. BACKGROUND

On September 29, 2016, MSEC filed with the Public Utility Commission of Texas (“Commission”) an application to amend its sewer certificate of convenience (“CCN”) No. 20984. The amendment will enable MSEC to include approximately 38 acres of land and serve 3 current customers.

On March 20, 2017, Order No. 5 was issued establishing a deadline of May 19, 2017, for the Parties to file a joint proposed notice of approval and request to admit evidence. Accordingly, this pleading is timely filed.

II. MOTION TO ADMIT EVIDENCE

The Parties move to admit the following evidence into the record of this proceeding:

- (a) MSEC’s September 29, 2016 application (AIS Item No. 1);
- (b) Publisher’s affidavit filed on December 7, 2016 (AIS Item No. 10);
- (c) Affidavit of Notice to Neighboring Systems, Landowners and Cities filed on December 7, 2016 (AIS Item No. 9);
- (d) MSEC’s April 28, 2017, Consent Form (AIS Item No. 22); and
- (e) Commission Staff’s Final Recommendation dated May 12, 2017 (AIS Item No. 23).

24

III. JOINT PROPOSED NOTICE OF APPROVAL

The attached Joint Proposed Notice of Approval will grant MSEC's application to amend its sewer CCN No. 20984.

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.


Dated: May 19, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

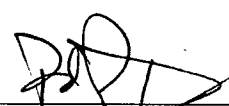
Karen S. Hubbard
Managing Attorney



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)
ralph.daigneault@puc.texas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on May 19, 2017, in accordance with 16 TAC § 22.74.



Ralph J. Daigneault

DOCKET NO. 46412

APPLICATION OF MSEC	§	BEFORE THE
ENTERPRISES, INC. TO AMEND A	§	
SEWER CERTIFICATE OF	§	PUBLIC UTILITY COMMISSION
CONVENIENCE AND NECESSITY	§	
IN MONTGOMERY COUNTY	§	OF TEXAS

JOINT PROPOSED NOTICE OF APPROVAL

This Joint Proposed Notice of Approval addresses the application of MSEC Enterprises, Inc. (“MSEC”) filed with the Public Utility Commission of Texas (“Commission”) to amend its sewer certificate of convenience and necessity (“CCN”) No. 20984 in Montgomery County. The amendment will enable MSEC to include approximately 38 acres of land and serve 3 current customers. Commission Staff (“Staff”) recommended approval of the application. Consistent with 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 September 29, 2016, MSEC filed an application to amend its sewer CCN No. 20984 in Montgomery County, Texas.
2. The amendment will enable MSEC to include approximately 38 acres of land and serve 3 current customers.
3. Order No. 2, issued November 3, 2016, found the application administratively complete, directed MSEC to provide notice, and established deadlines for further processing of the application.
4. On November 16, 2016, and November 23, 2016, MSEC provided notice of the application by publication in the *Montgomery County News* in Montgomery County. A publisher’s affidavit dated November 23, 2016, was filed on December 7, 2016.
5. On December 7, 2016, MSEC filed an affidavit of notice attesting to the provision of notice of the application on November 2, 2016, by direct mail to neighboring systems, landowners, and cities.

6. On April 28, 2017, MSEC filed its consent to the CCN service area map and CCN transmitted by Staff. A copy of the CCN service area map and CCN are attached to this Notice of Approval.
7. On May 12, 2017, Staff filed a Final Recommendation recommending that the application be approved.

Evidence

8. On _____, 2017, Order No. ____ was issued, admitting the following evidence into the record:
 - (a) MSEC's September 29, 2016 application (AIS Item No. 1);
 - (b) Publisher's affidavit filed on December 7, 2016 (AIS Item No. 10);
 - (c) Affidavit of Notice to Neighboring Systems, Landowners and Cities filed on December 7, 2016 (AIS Item No. 9);
 - (d) MSEC's April 28, 2017, Consent form (AIS Item No. 22); and
 - (e) Commission Staff's Final Recommendation dated May 12, 2017 (AIS Item No. 23).

Informal Disposition

9. More than 15 days have passed since the completion of the notice provided in this docket.
10. 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.
11. MSEC and Staff are the only parties to this proceeding.
12. The criteria for informal disposition pursuant to 16 Tex. Admin. Code § 22.35 ("TAC") have been satisfied in this proceeding.
13. Consistent with Staff's recommendation, the application is reasonable, consistent with the public interest, and should be approved.

II. CONCLUSIONS 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. MSEC is a sewer utility as defined in TWC § 13.002(23) and 16 TAC § 24.3(76).
3. MSEC has provided notice in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. MSEC 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 CCN.
5. MSEC demonstrated that an amendment to its CCN No. 20483 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 Staff's recommendation and this Notice, MSEC's application is approved.
2. MSEC's sewer CCN No. 20483 is amended consistent with this Notice.
3. MSEC shall serve every customer and applicant within the area certificated under its sewer CCN No. 20483, 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
