



Control Number: 46412



Item Number: 5

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RECEIVED

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

PUBLIC UTILITY COMMISSION

2016 OCT 28 PM 4:30

OF TEXAS

PUBLIC UTILITY COMMISS  
FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION THAT APPLICATION BE FOUND ADMINISTRATIVELY COMPLETE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 1 and Recommendation that Application be found Administratively Complete. 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 October 5, 2016, Order No. 1 was issued requiring Staff to file on or before October 28, 2016 comments on the administrative completeness of the application and proposed notice, and propose a procedural schedule for processing. Accordingly, this pleading is timely filed.

**II. Recommendation on Administrative Sufficiency**

Staff has reviewed the application and notice and, as supported by the attached memorandum from Greg Charles, Staff Engineer and Kristy Nguyen, GIS Specialist with the Water Utility Regulation Division, Staff recommends that the application and notice be deemed administratively complete and accepted for filing pursuant to 16 Tex. Admin. Code § 24.8 (TAC). In addition, Staff recommends the following:

1. MSEC provide notice of the application to the following:
  - any districts, utilities, and cities within two (5) miles of the proposed area;

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- the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified;
  - each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified;
  - landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the proposed area to be certified. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN is located; and
  - publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County.
2. MSEC provide notice of the application to the following entities:
- Aqua Texas Inc. CCN No. 21065
  - San Jacinto River Authority
  - Lone Star GCD
  - County Judge Craig Doyal of Montgomery County
3. MSEC include copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties and each landowner. It is MSEC's burden to provide an accurate map delineating the proposed area with each individual notice. Information related to districts including addresses can be obtained from the TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>.
4. MSEC file within 30 days of the Commission order, a copy of the actual notice and map issued, along with signed affidavits indicating that the notice was given. It is recommended that MSEC use the attached notices and affidavits to meet these requirements.

### III. Proposed Procedural Schedule<sup>4</sup>

Staff proposes the following procedural schedule:

Event	Deadline
Deadline for MSEC to file affidavits of proof of notice.	December 13, 2016
Deadline for Staff to file comments on proof of notice.	14 days after MSEC files proof of notice
Deadline for intervention; deadline for intervenors to request a hearing on the merits	30 days after notice is issued

### IV. Conclusion

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

**Dated: October 28, 2016**

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney

Ralph J. Daigneault with permission SHC  
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. 46412**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 28, 2016, in accordance with 16 TAC § 22.74.

Ralph J. Daigneault with permission SHC  
Ralph J. Daigneault

## PUC Interoffice Memorandum

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**To:** Ralph Daigneault  
Legal Division

**Thru:** Tammy Benter, Director  
Lisa Fuentes, Manager  
Heidi Graham, Manager  
Water Utilities Division

**From:** Greg Charles, Staff Engineer  
Kristy Nguyen, GIS Specialist  
Water Utilities Division

**Date:** October 28, 2016

**Subject:** **Docket 46412**, *Application of MSEC Enterprises, Inc. to Amend its Certificate of Convenience and Necessity (CCN) in Kendall County*

On September 29, 2016, MSEC Enterprises, Inc. (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its sewer certificate of convenience and necessity (CCN) No. 20984 in Montgomery County, Texas pursuant to Texas Water Code Ann. (TWC), §§ 13.242 to 13.250 and the 16 Tex. Admin Code (TAC) §§ 24.101 to 24.107.

A Staff review of the information filed by the Applicant on September 29, 2016, found that it is sufficient in the required application and mapping information. Therefore, Staff recommends that the application be deemed sufficient for filing and found administratively complete. 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 certified;
  - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified;
  - d) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the proposed area to be certified. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN is located; and
  - e) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County.
  
- 2) The Applicant should also provide correct notice of the application to the following entities:
  - Aqua Texas Inc. CCN No. 21065
  - San Jacinto River Authority
  - Lone Star GCD
  - County Judge Craig Doyal of Montgomery County

- 3) The Applicant include copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties and each landowner. 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 from the TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>.
- 4) The Applicant file within 30 days of the Commission order, a copy of the actual notice and map issued, along with signed affidavits indicating that the notice was given. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.

***Notice for Publication***

**NOTICE OF APPLICATION TO AMEND CERTIFICATE OF CONVENIENCE AND  
NECESSITY (CCN) NO. 20984 TO PROVIDE SEWER UTILITY SERVICE IN  
MONTGOMERY COUNTY, TEXAS**

MSEC Enterprises, Inc. has filed an application with the Public Utility Commission of Texas to amend Certificate of Convenience and Necessity No. 20984 for the provision of sewer utility service in Montgomery County.

The proposed utility service area is located approximately 9 miles west of downtown Conroe, Texas, and is generally bounded on the north by approximately 1000ft north of FM 2854; on the west by approximately 1900ft west of Rabon Chapel Road line.

The proposed sewer service area requested includes approximately 38 total acres and 0 sewer customers.

**A copy of the proposed sewer service area map is available at:**

7625 Highway 6, Navasota, Texas 77868 - (936) 825-5100

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 N. 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, 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 N. 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



**Notice to Neighboring Systems, Landowners and Cities**

**NOTICE OF APPLICATION TO AMEND CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 20984 TO PROVIDE SEWER UTILITY SERVICE IN MONTGOMERY COUNTY, TEXAS**

To: \_\_\_\_\_  
(Neighboring System or City)  
  
\_\_\_\_\_  
(Address)  
  
\_\_\_\_\_  
(City State Zip)

Date Notice Mailed: \_\_\_\_\_, 2016

MSEC Enterprises, Inc has filed an application with the Public Utility Commission of Texas to amend Certificate of Convenience and Necessity No. 20984 for the provision of sewer utility service in Montgomery County.

The proposed utility service area is located approximately 9 miles west of downtown Conroe, Texas, and is generally bounded on the north by approximately 1000ft north of FM 2854; on the west by approximately 1900ft west of Rabon Chapel Road line.

**See enclosed map of the proposed sewer service area.**

The proposed sewer service area requested includes approximately 38 total acres and 0 sewer customers.

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.

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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.

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

# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND CITIES DOCKET NO. 46412

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ has provided individual notice  
to the following entities and landowners:

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. 46412

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 \_\_\_\_\_