



Control Number: 46423



Item Number: 5

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PUC DOCKET NO. 46423 2016 NOV -1 PM 1:38

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

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PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY

COMES NOW the Staff of the Public Utility Commission of Texas (Commission), representing the public interest and files this recommendation on Sufficiency and would show the following:

I. BACKGROUND

On October 3, 2016, MSEC Enterprises, Inc. filed with the Commission an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12887 in Montgomery County. On October 6, 2016, Order No. 1 was issued, requiring that Staff file comments on the administrative completeness of the application and proposed notice, and that MSEC and Commission Staff shall file comments/recommendation regarding how this petition should be processed and propose a procedural schedule.

II. RECOMMENDATION ON SUFFICIENCY

Staff recommends that the application be deemed sufficient for filing and found to be administratively complete, as set out in the attached memorandum from Ricky Herrera, Staff Engineer, and Gary Horton, Jr., GIS Specialist of the Water Utilities Division. Staff recommends that MSEC be required to provide notice using the attached forms, provide a map with the notice, and that 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. Staff has discussed a procedural schedule with MSEC, and the parties propose the following procedural schedule:

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Event	Date
Deadline for MSEC to file signed affidavits that the notice was given along with a copy of the notice sent to affected parties and published in a newspaper of general circulation	December 16, 2016
Deadline for Staff to file recommendation on sufficiency of notice	Within 10 days of MSEC filing proof of completed notice
Deadline to intervene	30 days after notice is issued

Dated: November 1, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney



Jason Haas
State Bar No. 24032386
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7255
(512) 936-7268 (facsimile)

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on November 1, 2016 in accordance with 16 Tex. Admin. Code § 22.74.



Jason Haas

PUC Interoffice Memorandum

To: Jason Haas
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Work Lead
Water Utilities Division

From: Ricky Herrera, Staff Engineer
Gary Horton, Jr., GIS Specialist
Water Utilities Division

Date: October 31, 2016

Subject: **Docket 46423**, *Application of MSEC Enterprises, Inc. to Amend a Water Certificate of Convenience and Necessity in Montgomery County*

On October 3, 2016, MSEC Enterprises, Inc. filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12887 in Montgomery County, Texas pursuant to Texas Water Code Ann. (TWC), §§ 13.242 - 13.250 and the 16 Tex. Admin Code (TAC) §§ 24.101 - 24.107.

A Staff review of the information filed by the Applicant on October 3, 2016, and 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 provide correct notice of the application to the following entities:
 - Aqua Texas, Inc. (CCN No. 13203)
 - Keenan WSC (CCN No. 11409)
 - Lake Bonanza (CCN No. 12703)
 - Lone Star Groundwater Conservation District
 - Montgomery County Judge
 - Pine Lake WSC, Inc. (CCN No. 12941)

- San Jacinto River Authority
 - Vista Verde Water System, Inc. (CCN No. 13034)
- 3) The Applicant should include a 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 responsibility 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 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 A CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN
MONTGOMERY COUNTY, TEXAS

MSEC Enterprise, Inc., has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for water CCN No. 12887 for the provision of water utility service in Montgomery County.

The proposed utility service area is located approximately 12 mile(s) west of downtown Conroe, Texas, and is generally bounded on the north by a line 2500 feet south of Rabon Chapel Road; on the east by Mound Creek; on the south by a line 1 mile south of Rabon Chapel Road; and on the west by FM 2854.

The proposed water service area requested includes approximately 216 total acres and zero (0) current customers.

A copy of the proposed service area map is available at: 7625 Highway 6, Navasota, Texas 77608

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 and Cities

NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN
MONTGOMERY COUNTY, TEXAS

To: _____
(Neighboring System or City)

Date Notice Mailed: _____, 2016

(Address)

(City State Zip)

The MSEC Enterprise, Inc., has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for water CCN No. 12887 for the provision of Water utility service in Montgomery County.

The proposed utility service area is located approximately 12 mile(s) west of downtown Conroe, Texas, and is generally bounded on the north by a line 2500 feet south of Rabon Chapel Road; on the east by Mound Creek; on the south by a line 1 mile south of Rabon Chapel Road; and on the west by FM 2854.

See enclosed map of the proposed service area.

The proposed water service area requested includes approximately 216 total acres and zero (0) current 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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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. 46423

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. 46423

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 _____