



Control Number: 46727



Item Number: 13

Addendum StartPage: 0

DOCKET NO. 46727

RECEIVED

APPLICATION OF H-M-W SPECIAL  
UTILITY DISTRICT TO AMEND A  
WATER CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
MONTGOMERY COUNTY

§  
§  
§  
§  
§

PUBLIC UTILITY COMMISSION  
OF TEXAS  
CLERK

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON NOTICE**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Recommendation on Notice. In support thereof, Staff shows the following:

**I. BACKGROUND**

On January 5, 2017, H-M-W Special Utility District (HMWSUD) filed a petition to amend water certificate of convenience and necessity (CCN) No. 10342 and to decertify a portion of CCN No. 10342 in Montgomery County. In Order No. 3, issued April 11, 2017, Staff was ordered to file a supplemental recommendation on the sufficiency of notice on or before April 24, 2017. HMWSUD filed proof of notice on March 24, 2017 and additional information on April 14, 2017. This pleading is therefore timely filed.

**II. RECOMMENDATION ON NOTICE**

Staff has reviewed HMWSUD's proof of notice and recommends it continue to be found deficient, as supported by the attached memorandum of Fred Bednarski of the Water Utilities Division. Staff recommends that HMWSUD be given the deadline of May 24, 2017 to submit this additional documentation, and that Staff be given the deadline of June 5, 2017 to review this new documentation.

**III. CONCLUSION**

Staff respectfully requests the entry of an order consistent with the above recommendations.

13

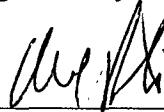
Dated: April 24, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

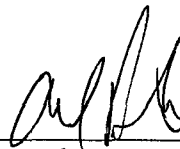
Katherine Lengieza Gross  
Managing Attorney



Alexander Petak  
State Bar No. 24088216  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7377  
(512) 936-7268 (facsimile)  
Alexander.Petak@puc.texas.gov

**DOCKET NO. 46727  
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record April 24, 2017,  
in accordance with 16 Texas Admin. Code § 22.74.



Alexander Petak

## PUC Interoffice Memorandum

---

**To:** Alexander Petak, Attorney  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utilities Division

**From:** Fred Bednarski, Financial & Managerial Review Specialist  
Water Utilities Division

**Date:** April 24, 2017

**Subject:** **Docket No. 46727;** *Application of H-M-W Special Utility District to Amend a Water Certificate of Convenience and Necessity in Montgomery County*

On January 5, 2017, the H-M-W Special Utility District (Applicant or H-M-W SUD) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 10342 in Montgomery County pursuant to 16 Tex. Admin. Code §§ 24.8 and 24.102 - 24.106 (TAC) and Tex. Water Code § 13.246(c) (TWC). Specifically, the Applicant is seeking to amend its CCN service area boundary by incorporating uncertificated areas and by decertifying portions of neighboring utilities' CCN service area boundaries.

On February 6, 2017 Staff recommended that the application be found administratively complete and notice was recommended to be issued. H-M-W SUD filed proof of notice on March 24, 2017. The Commission administrative law judge found notice deficient on April 11, 2017. H-M-W SUD filed supplemental proof of notice on April 14, 2017. Staff has reviewed the supplement proof of notice provided and deems notice deficient. Staff recommends H-M-W SUD to provide the following to cure the deficiencies:

1. Use the Public Utility Commission of Texas Water Utility Database (<http://www.puc.texas.gov/watersearch> ) to obtain the address for Rosehill Ranchettes Water System (CCN 11955) and provide notice to that entity,
2. Contact the Texas Commission on Environmental Quality Districts Department (<https://www.tceq.texas.gov/waterdistricts/> ) to obtain the addresses for Montgomery County MUD 136 and Harris County MUD 441 and provide notice to those entities,
3. Provide the newspaper pages of the published notices, including the date and name of the newspaper at the top of newspaper page.

To complete the Technical Review of the application Staff additionally notes that H-M-W SUD will need to provide proof of consent for the overlapping areas from the City of Stagecoach, City of Tomball, Cypresswood Estates (CCN 12498), Johnston Water Utility LLC (CCN No. 12788), Nerro Supply Investors LLC (CCN No. 10336), Pinehurst Decker Prairie WSC (CCN No. 11768), and South Central Water Company (CCN No. 13061).