

Control Number: 46727



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

PUBLIC UTILITY COMMISSION

2017 JUN -5 AM 9:55

PUBLIC UTILITY COMMISSION  
FILING 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. 4, issued April 27, 2017, Staff was ordered to file a supplemental recommendation on the sufficiency of notice on or before June 5, 2017. HMWSUD filed proof of notice on March 24, 2017 and additional information on April 14, 2017 and May 25, 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. It is unclear from the filings in this docket and Docket No. 46728 on May 25, 2017 which notices went out to which entities. Additionally, no affidavit was filed for the provision of mailed notice. Staff recommends that HMWSUD be given the deadline of July 5, 2017 to clarify their notice documentation and submit an affidavit attesting to the actual mailed notice provided, and that Staff be given the deadline of July 26, 2017 to review this new documentation.

**III. CONCLUSION**

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

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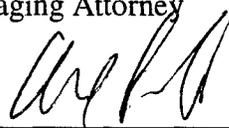
Dated: June 5, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



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**DOCKET NO. 46727  
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record June 5, 2017 in accordance with 16 Texas Admin. Code § 22.74.



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Alexander Petak

## PUC Interoffice Memorandum

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

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

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

**Date:** June 05, 2017

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

On January 5, 2017, 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 to incorporate uncertificated areas and by decertifying portions of neighboring utilities' CCN service area boundaries.

The application was accepted for filing on February 8, 2017. H-M-W SUD filed proof of notice on March 24, 2017. On April 11, and April 27, 2017, the Commission issued orders finding the proof of notice documents deficient. H-M-W SUD filed supplemental proof of notice documents on May, 25 2017. Staff has reviewed the documents and finds them deficient. Staff recommends H-M-W SUD provide the following to cure the deficiency:

- A signed and notarized affidavit indicating which affected parties recently received notice.

In order to complete the technical review of the application, H-M-W SUD must provide consent from the following entities since the requested area overlaps their corporate limits or CCN boundaries:

- 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)
- South Central Water Company (CCN No. 13061)

# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND AFFECTED PARTIES DOCKET NO. \_\_\_\_\_

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

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

	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 \_\_\_\_\_