



Control Number: 46727



Item Number: 19

Addendum StartPage: 0

June 22, 2017

RECEIVED

Mr. Alexander Petak, Attorney  
Legal Division  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

2017 JUL -5 AM 11:34  
PUBLIC UTILITY COMMISSION  
FILING CLERK

Re: Docket No. 46727 – Application of H-M-W SUD to Amend a Water CCN  
in Montgomery County

Dear Mr. Petak,

Please find herewith the following information related to the amendment to the H-M-W SUD Water CCN in Harris County:

1. Affidavit of mailings for the notice which was sent to Neighboring Systems including the following:

Rosehill Ranchettes Water System  
7727 Meadowglen Ln.  
Houston Tx 77063

Montgomery County MUD 136  
Schwartz, Page and Harding Law Office  
1300 Post Oak Boulevard, Suite 1400  
Houston, TX 77056

Harris County MUD 441  
James A Boone  
3200 Southwest Freeway, Suite 2600  
Houston, TX 77027

2. Signed release form the City of Tomball

The previously requested release of CCN from Nerro Supply Investors LLC has been retracted and we will adjust the GIS data as necessary to not overlap this district.

Signed releases from Cypresswood Estates, Johnston Water Utility, Pinehurst Decker Prairie and South Central Water Company will be sent when they are available.

If you have any questions, I can be contacted at 713-462-3242 or [rmusgrove@cobbfendley.com](mailto:rmusgrove@cobbfendley.com).

Sincerely,  
CobbFendley  
Texas Registration No. 274



Rachel Musgrove, EIT

cc: Kip Coe – General Manager, HMW Special Utility District  
Patrick Timmons – Counsel, HMW Special Utility District

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# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 46727

STATE OF TEXAS  
COUNTY OF Montgomery

HMW Special Utility District has provided individual  
notice to the following entities and customers:

	DATE OF NOTICE
<u>Rosehill Ranchettes Water System</u>	<u>5/1/17</u>
<u>Harris County MUD 435</u>	<u>5/1/17</u>
<u>Harris County MUD 441</u>	<u>5/1/17</u>
<u>Harris County MUD 497</u>	<u>5/1/17</u>

### OATH

I, Rachel Musgrove, being duly sworn, file this form as  
Representative of the Engineer (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.

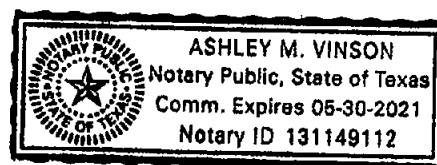
Rachel Musgrove  
Applicant's Authorized Representative

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 23rd day of June, 2017,  
to certify which witness my hand and seal of office.

Ashley M. Vinson  
Notary Public in and for the State of Texas  
Ashley M. Vinson  
Print or Type Name of Notary Public

Commission Expires 5/30/2021



To All Affected Land Owners or Utilities:

On January 5, 2017, HMW Utility District of Harris and Montgomery Counties ("HMW") filed its Application to Amend a Water Certificate of Convenience and Necessity in Montgomery County to the Texas Public Utility Commission ("PUC"), under PUC Docket No. 46727 (the "Application").

Each water utility within two miles of or land owner with more than 25 acres partially or wholly within the proposed CCN boundary is entitled to notice of HMW's Application under applicable law.

In general, HMW's Application seeks to conform the boundaries of its Certificate of Convenience and Necessity ("CCN") No. 10342 to the areas that it has served and provided water service throughout its existence. Specifically, HMW seeks to do so by (1) incorporating uncertified areas that it serves, and (2) decertifying portions of the CCN service areas of neighboring utilities. All affected areas are of minimal size.

Each affected utility or land owner will receive with this letter an accurate map that shows HMW's proposed service area under the amended CCN as well as the required PUC notice document..

Please advise the undersigned of any questions at your earliest opportunity. You may also contact HMW's Engineer, Rachel Musgrove, as set forth below:

Rachel Musgrove  
Cobb, Fendley & Associates  
13430 Northwest Freeway, Suite 1100  
Houston, Texas 77040  
Phone: 713.462.3242  
Email: [rmusgrove@cobbfendley.com](mailto:rmusgrove@cobbfendley.com)

Patrick F. Timmons, Jr.  
Timmons Law Firm  
8556 Katy Freeway, Suite 120  
Houston, TX 77024-1806  
Phone: 713.465.7638  
Email: [pft@timmonslawfirm.com](mailto:pft@timmonslawfirm.com)

Sincerely,



Counsel for HMW SUD

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

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

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_, 2017  
(Name of neighboring systems, cities and landowners)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

The H-M-W Special Utility District has filed an application with the Public Utility Commission of Texas to amend its water CCN No. 10342 and to decertify portions of Aqua Texas Inc.'s CCN Nos. 11157 and CCN No. 13203, Cypresswood Estates's CCN No. 12498, Johnston Water Utility LLC's CCN No. 12788, Nerro Supply Investors LLC's CCN No. 10336, Pinehurst Decker Prairie WSC's CCN No. 11768, Quadvest LP's CCN No. 11612, and South Central Water Company's CCN No. 13061 in Montgomery County.

The proposed utility service area is located in southwest Montgomery County, and is generally bounded on the north by FM 1488 (Magnolia Parkway); on the east by FM 2978; on the south by Montgomery/Harris County line; and on the west by Nichols Sawmill Road and Roberts Cemetery Road.

**See enclosed maps of the proposed water service area.**

The proposed water service area being requested includes approximately 6,720 acres and 2,880 current customers.

You may request a public hearing. A request for a public hearing must be in writing and include: (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, docket 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 which would satisfy your concerns and cause you to withdraw your request for a hearing.

Hearing requests, comments or requests to intervene should be filed with the:

Public Utility Commission of Texas  
Central Records  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 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 will receive notice if a hearing is scheduled.

If a valid public hearing is requested, the Commission 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. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the applicant. All opt out requests must include a large scale map and a metes and bounds description of the landowner's tract of land.

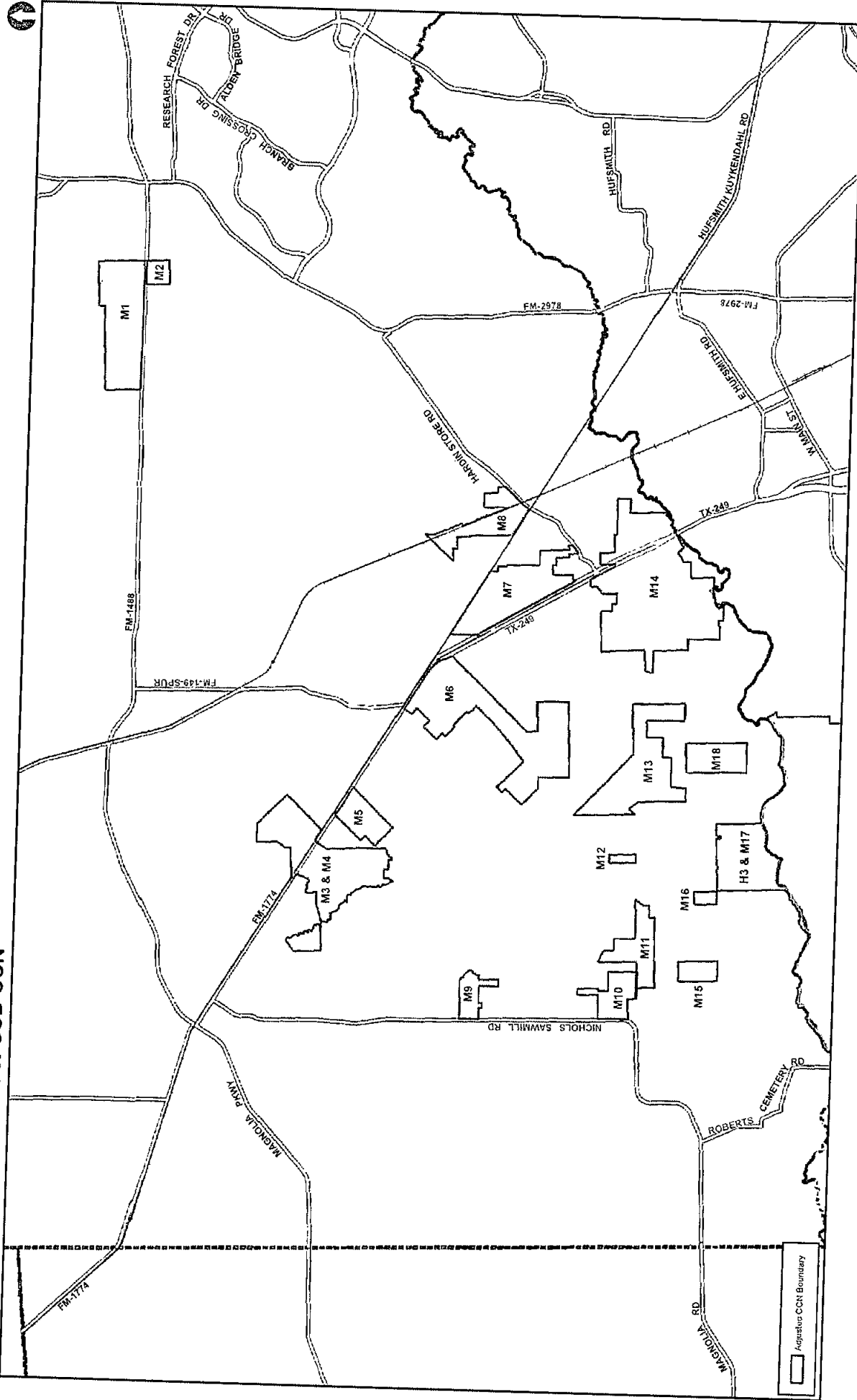
Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas  
Central Records  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

In addition, the landowner must also send a copy of the opt out to the applicant. Staff may request additional information regarding your request.

**Si desea informacion en Espanol, puede llamar al 1-888-782-8477**

# MONTGOMERY COUNTY H-M-W SUD CCN



1 inch = 6,000 feet

City of Tomball  
(Name of City)

501 James St.  
(Address)

Tomball TX. 77375  
(City) (State) (Zip)

I David Esquivel

as Dir. of Pw of the Tomball  
(TITLE) (NAME OF CITY)

☒ Consent ☐ Do Not Consent

To the proposed CCN changes by HMW and understand that this consent allows for HMW  
to serve within the City limits. *as a dual CCN holder*

Signature: David Esquivel Date: 06/19/17