



Control Number: 46728



Item Number: 30

Addendum StartPage: 0

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

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PUBLIC UTILITY COMMISSION

OF TEXAS

JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

COMES NOW, the Staff of the Public Utility Commission of Texas ("Staff") representing the public interest, on behalf of itself and H-M-W Special Utility District ("HMWSUD") (together the "Parties"), and files this Joint Motion to Admit Evidence, and Proposed Notice of Approval. In support thereof, the Parties show the following:

I. BACKGROUND

On January 5, 2017, HMWSUD filed a petition to amend water certificate of convenience and necessity (CCN) No. 10342 and to decertify a portion of Aqua Texas, Inc's (Aqua) CCN No. 13203 in Harris County. Staff filed a final recommendation of approval on November 9, 2017. Order No. 8 set the date to file a proposed notice of approval by November 15, 2017.

II. JOINT MOTION TO ADMIT EVIDENCE

The Parties move to admit the following evidence into the record of this proceeding.

1. HMWSUD's application for a CCN amendment, filed on January 1, 2017.
2. The affidavit and proof of notice, and application amendment filed on March 24, 2017.
3. The supplemental notice information, filed on April 14, 2017, May 25, 2017, July 5, 2017 and July 17, 2017.
4. The consent forms to the final maps and certificates, signed and filed on October 31, 2017 by HWMSUD and Aqua.
5. Commission Staff's Final Recommendation that the Application be approved, filed on November 9, 2017.

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III. JOINT PROPOSED NOTICE OF APPROVAL

Staff and HMWSUD have agreed on the attached Joint Proposed Notice of Approval to grant HMWSUD's Application to amend water CCN No. 10342 and to decertify a portion of water CCN No. 13203 in Harris County. Also attached are the final maps and certificate that were included in Staff's final recommendation.

IV. CONCLUSION

The Parties respectfully request that the Commission grant the Motion to Admit Evidence, and adopt the attached Joint Proposed Notice of Approval.

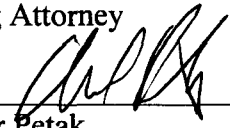
Dated: November 15, 2017.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney



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alexander.petak@puc.texas.gov

DOCKET NO. 46423

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2017, true and correct copy of the foregoing document has been served on all parties of record in accordance with 16 Tex. Admin. Code § 22.74.



Alexander Petak

DOCKET NO. 46728

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

NOTICE OF APPROVAL

This Proposed Notice of Approval addresses the application of H-M-W Special Utility District (“HMWSUD”) filed with the Public Utility Commission of Texas (“Commission”) to amend water certificate of convenience and necessity (CCN) No. 10342 and to decertify a portion of Aqua Texas, Inc’s (Aqua) CCN No. 13203 in Harris County. Commission Staff recommended approval of the application, as amended. The application, as amended, is approved.

The Commission adopts the following findings of fact and conclusions of law:

I. FINDINGS OF FACT

Procedural History, Description, and Background

1. On January 5, 2017, HMWSUD filed an application to amend its water CCN No. 10342 and decertify a portion of Aqua’s CCN No. 13203 in Harris County.
2. On February 8, 2017, the Administrative Law Judge (“ALJ”) issued Order No. 2 deeming the application administratively complete.
3. On March 24, 2017, HMWSUD filed additional financial information.
4. On April 12, 2017 Keith and Elizabeth Moore filed a request to Opt-out of the requested service area.
5. On July 26, 2017, the ALJ issued Order No. 6, deeming the notice to be sufficient and establishing a procedural schedule.
6. On October 31, 2017, HMWSUD and Aqua filed their consent to the CCN service area maps and certificates transmitted by Commission Staff. The proposed maps and certificates are attached to this Notice of Approval.

7. On November 9, 2017, Commission Staff filed a Final Recommendation finding that HMWSUD demonstrates adequate financial, managerial, and technical capability to provide service to the area subject to this application and that the application be approved.
8. On November 15, 2017, Commission Staff filed a joint proposed notice of approval and a motion to admit certain evidence in this proceeding. The filing also included an agreed tariff, attached to this Notice of Approval.
9. On _____, Order No. 9 was issued, admitting evidence.

Notice

10. On January 9, 2017, the Commission submitted notice of HMWSUD's application to the Texas Register, which was published on January 20, 2017.
11. On March 24, 2017, HMWSUD filed proof of notice indicating the provision of notice was sent to all customers, neighboring utilities, and governmental entities on March 10, 2017.
12. On March 1 and 8, 2017, HMWSUD provided notice of the application by publication in the *Magnolia Potpourri*, the *Tomball Potpourri*, and the *Cypress Creek Mirror* in Harris County. A publisher's affidavit dated March 8, 2017, was filed on April 14, 2017.
13. Supplemental notice information was filed on May 25, 2017; July 5, 2017 and July 17, 2017.

Informal Disposition

13. More than 15 days have passed since the completion of the notice provided in this application.
14. HMWSUD and Commission Staff are the only parties to this proceeding
15. There are no contested issues, no protests; no motions to intervene, and no requests for a hearing have been filed. No issues of fact or law are disputed by any party; therefore, no hearing is necessary.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction and authority over this docket pursuant to Texas Water Code §§ 13.041, 13.241, 13.246 and 13.254 ("TWC") and 16 Tex. Admin. Code §§ 24.102 and 24.107 ("TAC").

2. HMWSUD is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).
3. HMWSUD provided notice of the application in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The application was processed in accordance with the TWC and Commission rules.
5. After considering the factors in TWC § 13.246(c), HMWSUD has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area as required in TWC § 13.241.
6. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.
7. Approval of the amended certificate requested in this application is necessary for the service, accommodation, convenience, or safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.102(c).
8. Under TWC § 13.257(r) and 16 TAC § 24.106(e), HMWSUD and Aqua are required to record a certified copy of the approved CCN's and maps, along with a boundary description of the service area, in the real property records of each county in which the service area or a portion of the service area is located, and submit to the Commission evidence of the recording.

III. ORDERING PARAGRAPHS

In accordance with these findings of fact and conclusions of law, the Commission issues the following order:

1. Consistent with Commission Staff's recommendation and this notice, HMWSUD's application in Harris County is approved.
2. HMWSUD's water CCN No. 10342 and Aqua's water CCN No. 13203 are amended consistent with this notice.
3. HMWSUD shall serve every customer and applicant for service within the area certificated under CCN No. 10342, and such service shall be continuous and adequate.

4. HMWSUD and Aqua shall comply with the recording requirements in TWC § 13.257(r) for the area in Harris County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this notice.
5. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

SIGNED AT AUSTIN, TEXAS the _____ day of _____ 2017.

PUBLIC UTILITY COMMISSION OF TEXAS



Public Utility Commission of Texas

By These Presents Be It Known To All That

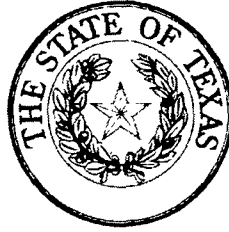
Aqua Texas

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Aqua Texas is entitled to this

Certificate of Convenience and Necessity No. 13203

to provide continuous and adequate water utility service to that service area or those service areas in Brazoria, Chambers, Fort Bend, Grimes, Harris, Jefferson, Liberty, Montgomery, Polk, San Jacinto, Trinity, and Wharton Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 46728 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Aqua Texas to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, the _____ day of _____ 2017.



Public Utility Commission of Texas

By These Presents Be It Known To All That

H-M-W Special Utility District

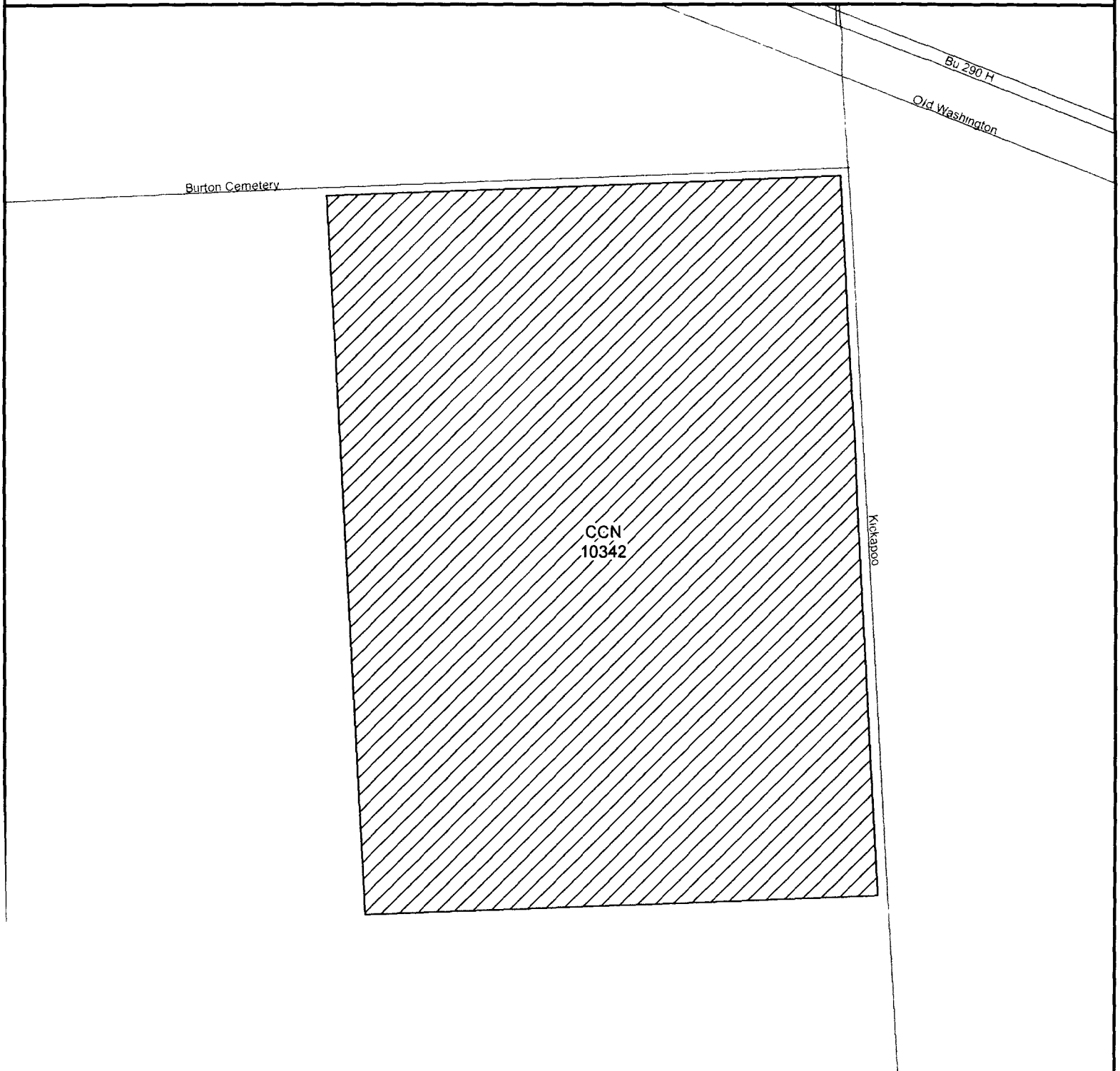
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, H-M-W Special Utility District is entitled to this

Certificate of Convenience and Necessity No. 10342

to provide continuous and adequate water utility service to that service area or those service areas in Harris and Montgomery Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 46728 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of H-M-W Special Utility District to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, the _____ day of _____ 2017.

H-M-W SUD
Portion of Water CCN No. 10342
PUC Docket No. 46728
Amended CCN No. 10342 in Harris County



Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

Water CCN



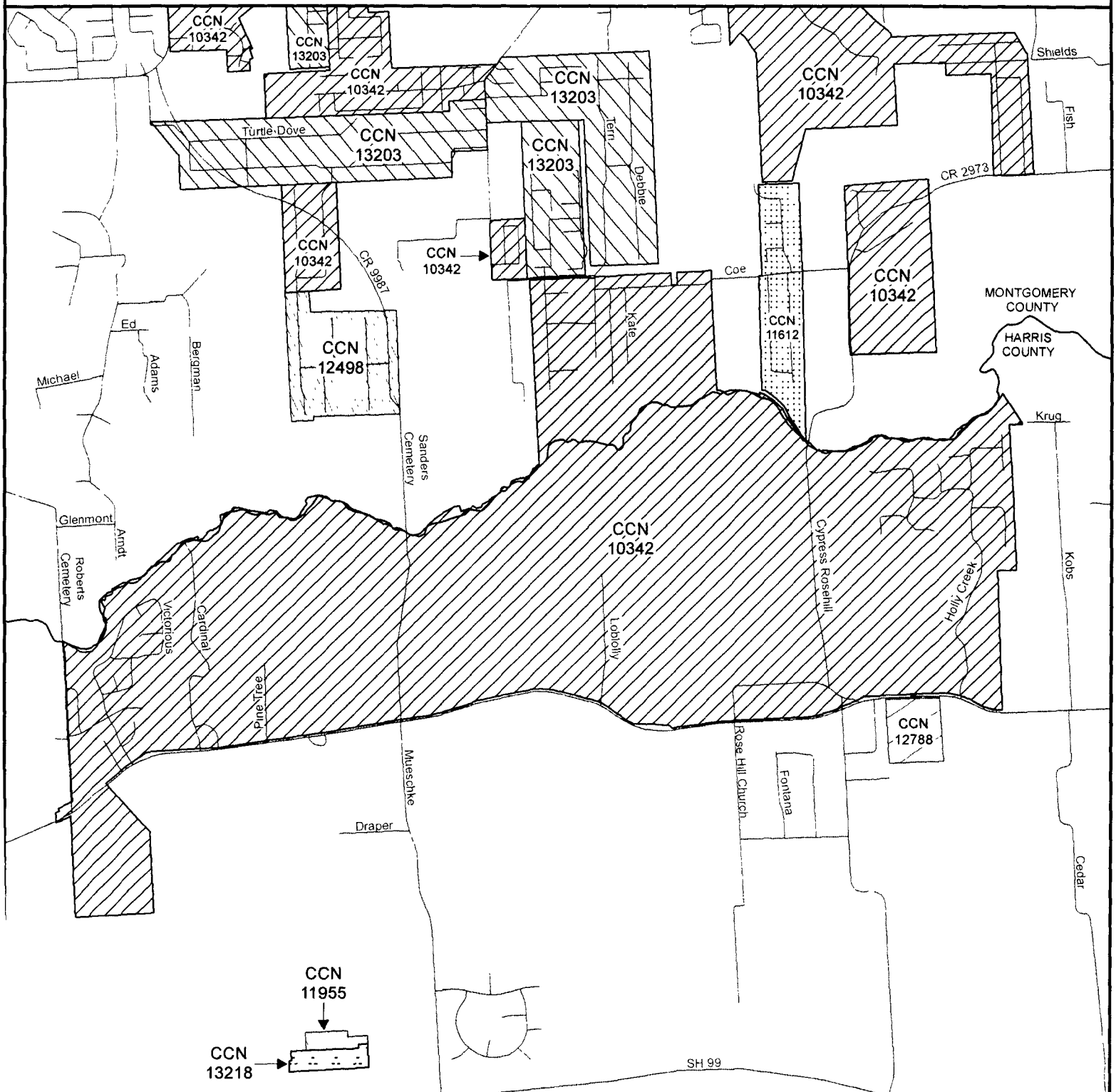
10342 - H-M-W SUD

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


H-M-W SUD
Portion of Water CCN No. 10342
PUC Docket No. 46728
Amended CCN No. 10342 in Harris and Montgomery Counties



Public Utility Commission of Texas
 1701 N. Congress Ave
 Austin, TX 78701

Water CCN

-  10342 - H-M-W SUD
-  11612 - Quadvest LP
-  12498 - Cypresswood Estates
-  13203 - Aqua Texas Inc

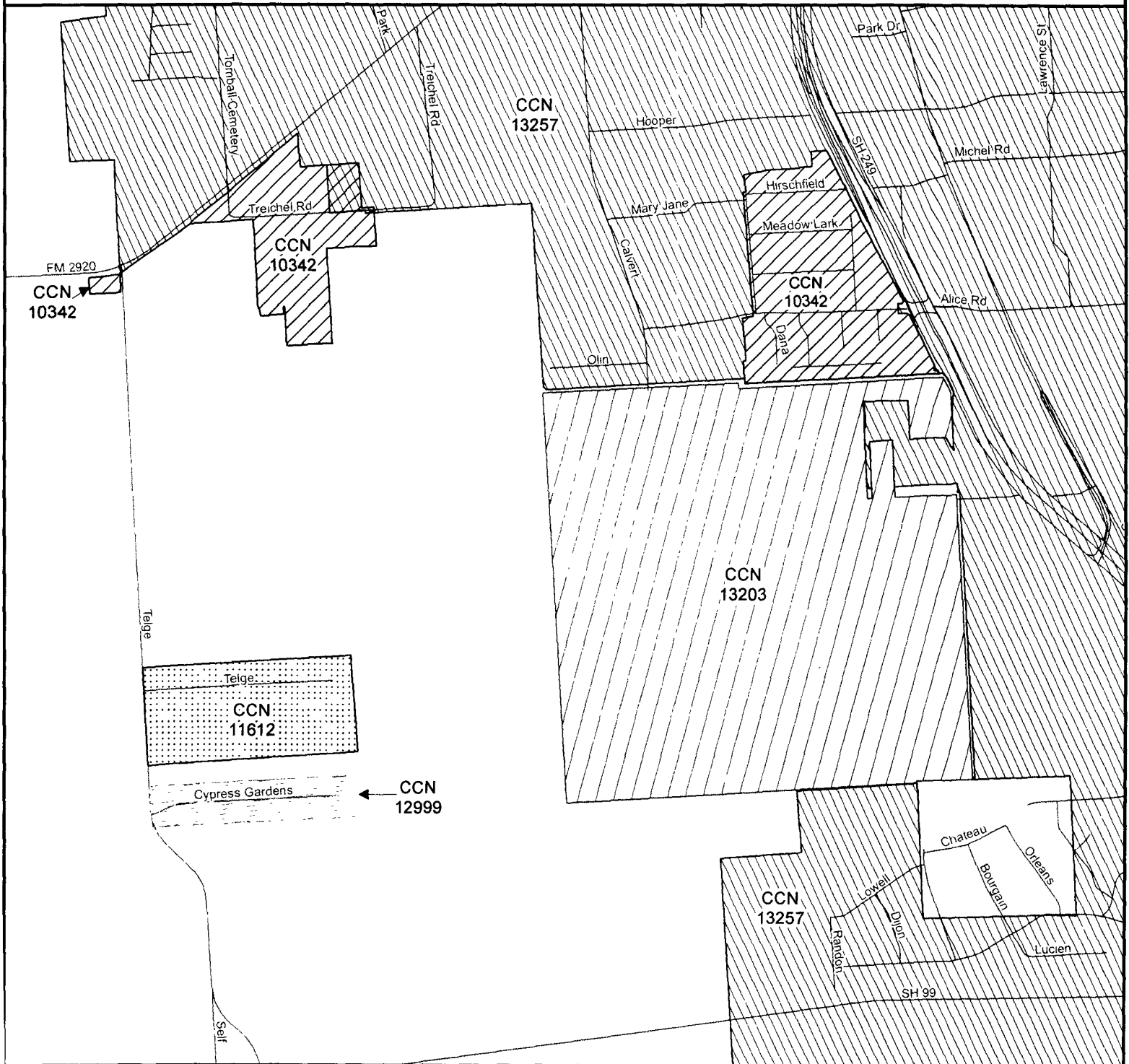
-  12788 - Johnston Water Utility LLC
-  11955 - Rosehill Ranchettes Water System
-  13218 - Arch Utility

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 Feet






Map by: Komal Patel
 Date created: October 12, 2017
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H-M-W SUD
Portion of Water CCN No. 10342
PUC Docket No. 46728
Amended CCN No. 10342 in Harris County



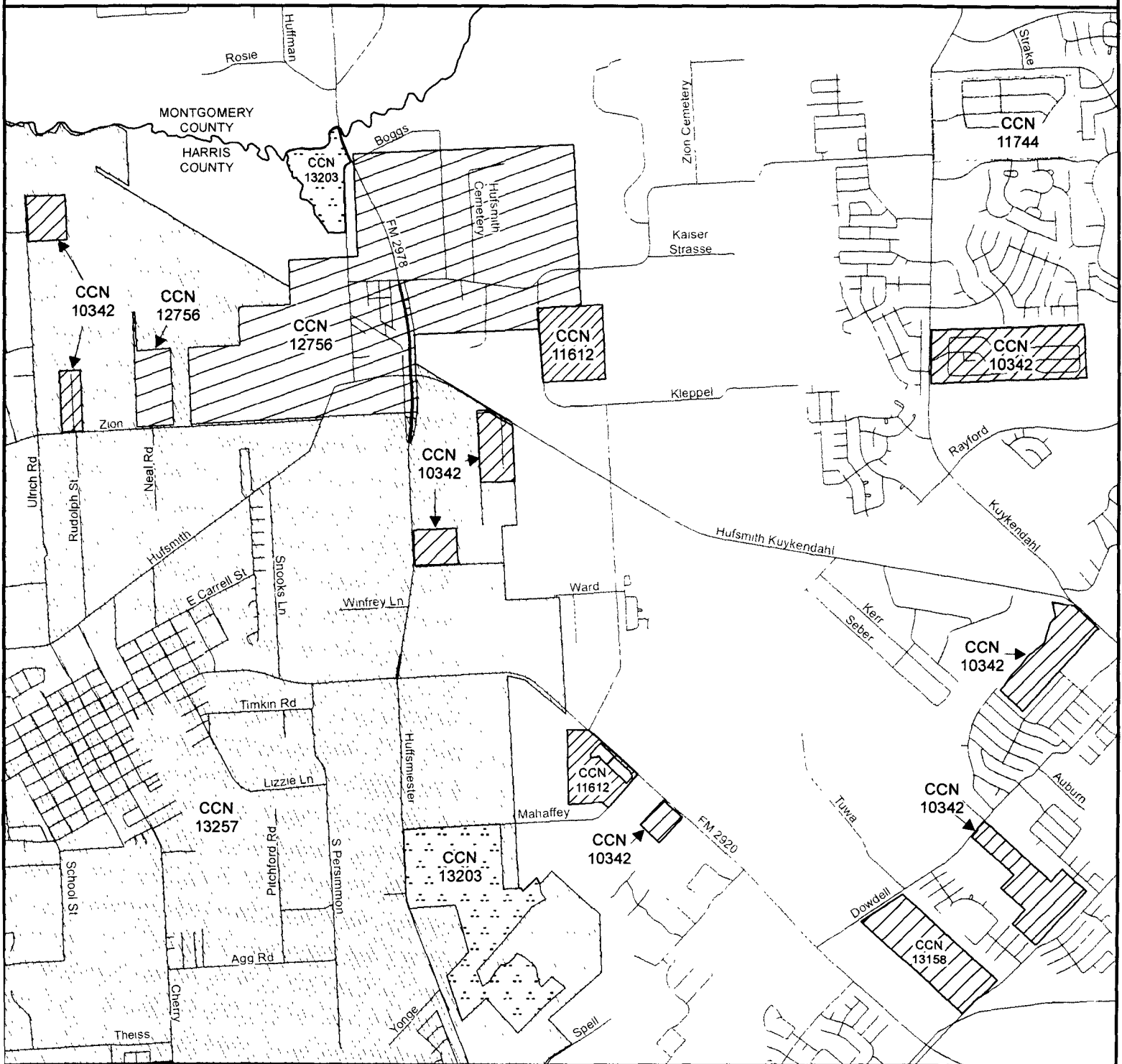
Water CCN

-  10342 - H-M-W SUD
-  13257 - City of Tomball
-  13203 - Aqua Texas Inc
-  11612 - Quadvest LP
-  12999 - Cypress Garden Mobile Home SUB






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H-M-W SUD
Portion of Water CCN No.10342
PUC Docket No. 46728
Amended CCN No. 10342 in Harris County



Water CCN

-  10342 - H-M-W SUD
-  13257 - City of Tomball
-  12756 - HOE WSC
-  13203 - Aqua Texas Inc
-  11612 - Quadvest LP

11744 - Timbercrest Partners LLC

 13158 - Pinewood Community LP

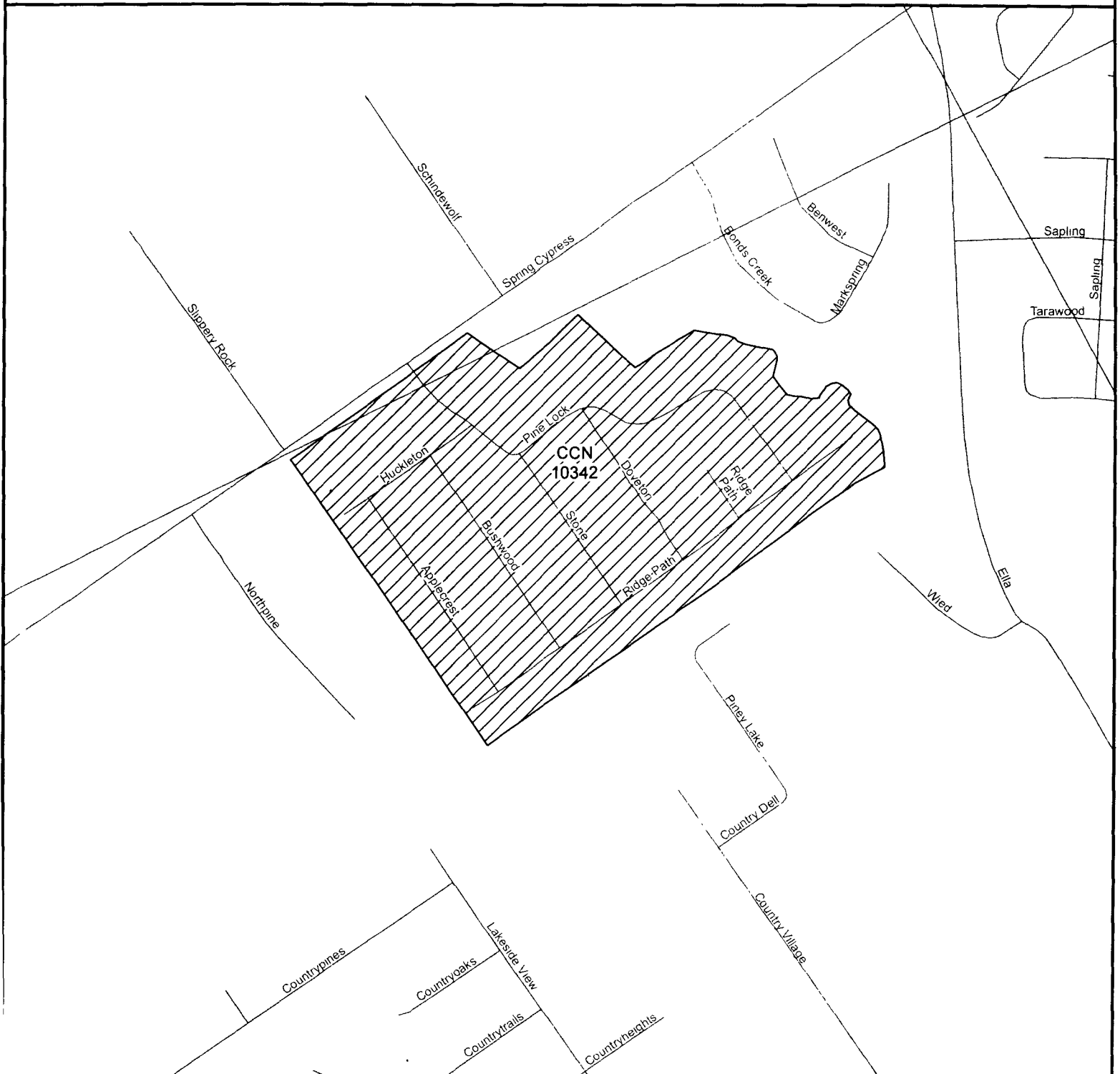
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Public Utility Commission of Texas
 1701 N. Congress Ave
 Austin, TX 78701

Map by: Komal Patel
 Date created: October 13, 2017
 Project Path n:\finalmapping\46728HMWSUD4 mxd

H-M-W SUD
Portion of Water CCN No.10342
PUC Docket No. 46728
Amended CCN No. 10342 in Harris County

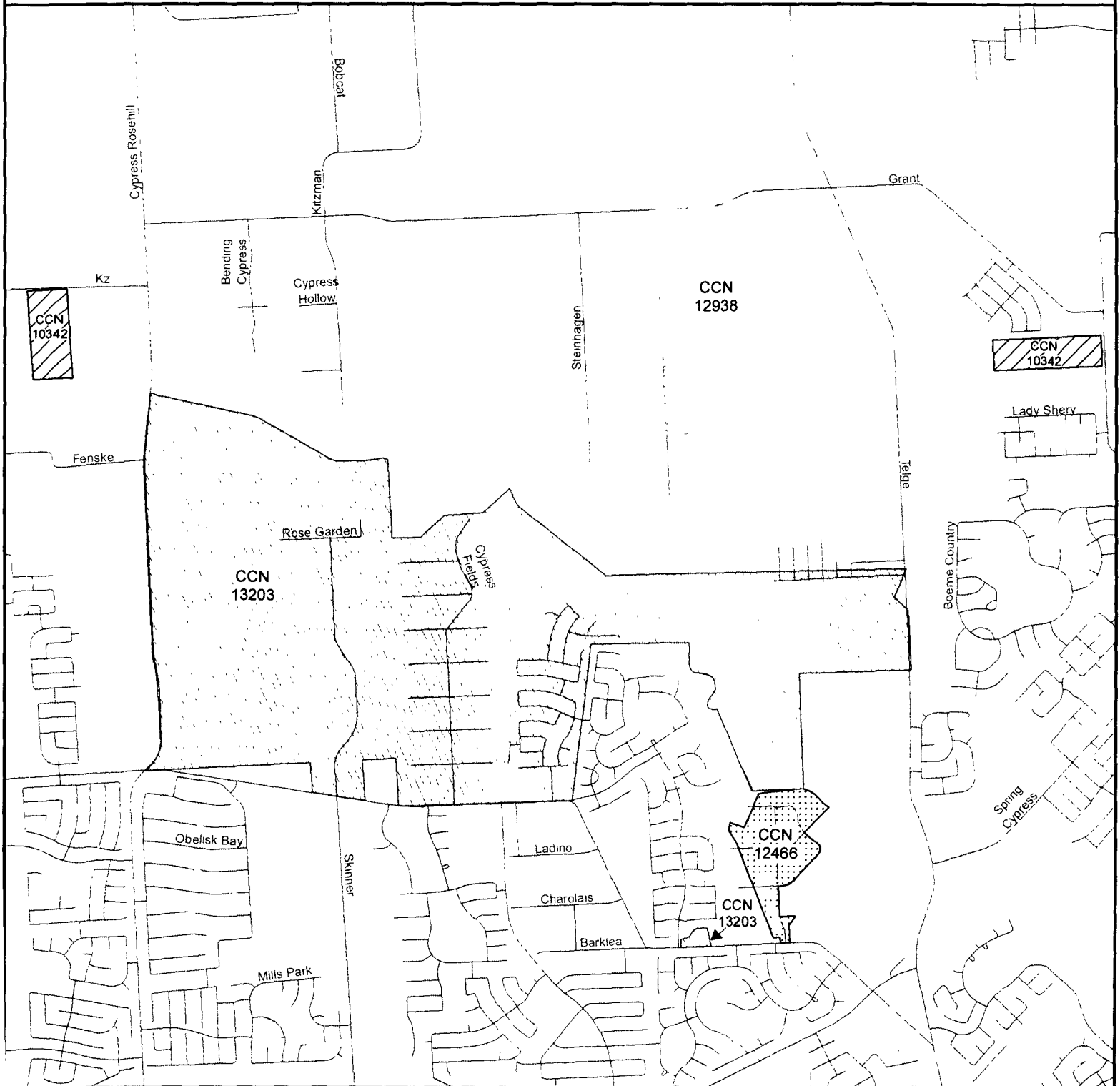


Water CCN







10342 - H-M-W SUD

H-M-W SUD
Portion of Water CCN No. 10342
PUC Docket No. 46728
Amended CCN No. 10342 in Harris County



Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

Water CCN

-  10342 - H-M-W SUD
-  12938 - Lincoln Square Water System
-  13203 - Aqua Texas Inc
-  12466 - Waynewood Place Civic Club Inc

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Feet



Map by Koral Patel
Date created: October 13, 2017
Project Path:
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H-M-W SUD
Portion of Water CCN No. 10342
PUC Docket No. 46728
Amended CCN No. 10342 and Decertified a Portion of Aqua Texas, Inc., CCN No. 13203 in Harris County



Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

Water CCN



10342 - H-M-W SUD



13203 - Aqua Texas Inc

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Feet






Map by Komal Patel
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Project Path n:\finalmapping\46728HMWSUD7.mxd

H-M-W SUD
Portion of Water CCN No. 10342
PUC Docket No. 46728
Amended CCN No. 10342 in Harris County



Water CCN

-  10342 - H-M-W SUD
-  12315 - Tower Oak Bend WSC
-  13203 - Aqua Texas Inc

0 400 800
Feet

