

Control Number: 47072



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DOCKET NO. 47072

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**APPLICATION OF QUADVEST, L.P. §
TO AMEND CERTIFICATES OF §
CONVENIENCE AND NECESSITY IN §
MONTGOMERY COUNTY §
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§**

**PUBLIC UTILITY COMMISSION?
OF TEXAS**

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Supplemental Recommendation on Administrative Completeness and would show the following:

I. BACKGROUND

On April 18, 2017, Quadvest, L.P. (Quadvest) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11612 in Montgomery County. The total service area requested includes approximately 16 acres and 0 current customers.

On July 20, 2017, the administrative law judge (ALJ) issued Order No. 3 which extended Staff's deadline to file comments on the administrative completeness of Quadvest's application and proposed notice by until July 24, 2017. This pleading is therefore timely filed.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed Quadvest's petition and, as supported by the attached memorandum of Greg Charles of the Water Utilities Division, Staff recommends that the application be deemed sufficient for filing and found administratively complete.

III. NOTICE REQUIREMENTS

Staff has attached the notice the Applicants must provide to any districts, utilities, and cities within two miles of the proposed service area, the county judge of Montgomery County, each groundwater conservation district and city with an extraterritorial jurisdiction that is wholly or partly included in the proposed area to be certified. In addition to those systems identified in

the Application, Staff recommends that Applicants notify the entities identified in the attached memorandum.

Further, Staff has attached the affidavit the Applicants must sign and file with the Commission after providing notice in accordance with 16 TAC § 24.112(c). Additionally, the Applicants should provide an accurate map delineating the proposed area with each mailed notice. Staff recommends that Applicants publish notice once each week for two consecutive weeks in a newspaper of general circulation in Montgomery County.

At this time, Staff recommends that the Applicants be allowed to proceed with providing notice for the proposed transaction and be given until July 14, 2017 to provide proof of notice to the Commission.

It is recommended that the Applicant use the attached notice and affidavits to meet these requirements.

IV. PROPOSED PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Staff therefore proposes the following procedural schedule:

Event	Date
Deadline for Applicant to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation	September 5, 2017
Deadline for Staff to file a recommendation on sufficiency of notice	September 12, 2017
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the above recommendation.

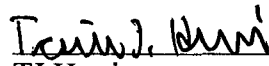
Dated: July 21, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

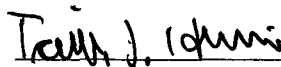


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DOCKET NO. 47072

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 21, 2017 in accordance with 16 TAC § 22.74.



TJ Harris

PUC Interoffice Memorandum

To: TJ Harris
Legal Division

Thru: Lisa Fuentes, Manager
Water Utilities Division

From: Greg Charles, Staff Engineer
Water Utilities Division

Date: July 21, 2017

Subject: **Docket 47072**, *Application of Quadvest, LP to Amend Water and Sewer Certificates of Convenience and Necessity (CCNs) in Montgomery County.*

On April 18, 2017, Quadvest, LP, (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend water Certificate of Convenience and Necessity (CCN) No. 11612 and sewer CCN No. 20952 in Montgomery County pursuant to Texas Water Code Ann. (TWC), §§ 13.242 to 13.250 and the 16 Tex. Admin Code (TAC) §§ 24.101 to 24.107.

Based on a review of the information in the application, Staff recommends that the application be deemed sufficient for filing and be found administratively complete.

A Staff review of the information 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 Applicant be ordered to do the following:

- 1) 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 requested area overlaps the following districts with retail water and/or sewer function, which must be listed in the notice documents:
 - Lone Star GCD – retail water
- 3) Provide notice of the application to the following entities:
 - Aqua Texas Inc (CCN Nos. 13203 and 21065)
 - City of Tomball
 - City of Stagecoach

- Coastal Water Authority
- Gulf Coast Waste Disposal Authority
- H-M-W SUD (CCN No. 10342)
- Harris County FCD
- Johnston Water Utility LLC (CCN No. 12788)
- Montgomery County Judge
- Nerro Supply Investors LLC (CCN No. 10336)
- North Harris County Regional Water Authority
- Pinehurst Decker Prairie WSC (CCN No. 11768)
- Port of Houston Authority
- San Jacinto River Authority
- Wood Trace MUD 1
- Wood Trace MUD 3
- Lone Star GCD

- 4) Include 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 burden 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/>.

The Applicant 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. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.

Notice to Neighboring Systems, Cities and Landowners

NOTICE OF APPLICATION TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) FOR THE PROVISION OF WATER AND SEWER SERVICES IN MONTGOMERY COUNTY, TEXAS

To: _____
(Name of neighboring systems, cities and landowners)

(Address)

(City State Zip)

Date Notice Mailed: ____, 2017

Quadvest, L.P. filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) Nos. 11612 and 20952 for the provision of water and sewer service in Montgomery County.

The requested area is located approximately 4 miles northwest of downtown **Tomball, Texas**, and is generally bounded on the north by 0.5 miles south of the terminus of Hillside Dr.; on the east by **Logtowne Rd**; on the south by **Hardin Store Rd**; and on the west by **0.2 miles east of Cripple Creek Dr.**

The total area being requested includes approximately 15 acres and serves 0 current customers.

The requested area overlaps the boundaries of **Lone Star GCD**. If **Lone Star GCD** does not request a public hearing, the Commission shall determine that **Lone Star GCD** is consenting to Quadvest, L.P.'s request to provide retail water and sewer utility in the requested area.

See enclosed map showing the requested area.

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 Utility 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.

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 service area, you may request to be excluded from the proposed service 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

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND AFFECTED PARTIES DOCKET NO. 47072

STATE OF TEXAS
COUNTY OF _____

has provided individual notice to the following:

	DATE
_____	_____
_____	_____
_____	_____
_____	_____

OATH

I, _____, being duly sworn, file this form as
_____ (indicate relationship to applicant, that is owner,
member or 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 forth
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 _____, 2017 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 _____

NOTICE FOR PUBLICATION

NOTICE OF APPLICATION TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) FOR THE PROVISION OF WATER AND SEWER SERVICE IN MONTGOMERY COUNTY, TEXAS

Quadvest, L.P. filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) Nos. 11612 and 20952 for the provision water and sewer service in Montgomery County.

The requested area is located within approximately 4 miles northwest of downtown Tomball, Texas, and is generally bounded on the north by 0.5 miles south of the terminus of Hillside Dr.; on the east by Logtowne Rd; on the south by Hardin Store Rd; and on the west by 0.2 miles east of Cripple Creek Dr.

The total area being requested includes approximately 15 acres and serves 0 current customers.

The requested area overlaps the boundaries of Lone Star GCD. If Lone Star GCD does not request a public hearing, the Commission shall determine that Lone Star GCD is consenting to Quadvest, L.P.'s request to provide retail water and sewer utility in the requested area:

A copy of the map showing the requested area is available at: 26926 FM 2978.

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 Utility 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 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 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 a 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 request with the Commission to be excluded from the requested area

("opt out") within (30) days from the date that notice was provided by the Utility. 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 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

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

Si desea informacion en Espanol, puede llamar al 1-512-936-7221

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. _47072_

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 _____