

Control Number: 47073



Item Number: 17

Addendum StartPage: 0

DOCKET NO. 47073

RECEIVED

2017 SEP 26 AM 10:11

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

**PUBLIC UTILITY COMMISSION
OF TEXAS
PUBLIC UTILITY COMMISSION
FILING CLERK**

**COMMISSION STAFF'S SECOND 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 Waller County. The total service area requested includes approximately 281 acres and 0 current customers.

On September 20, 2017, the administrative law judge (ALJ) issued Order No. 4 which extended Staff's deadline to file additional comments on the administrative completeness of Quadvest's application by September 26, 2017. This pleading is therefore timely filed.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS

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

III. NOTICE REQUIREMENTS

Staff recommends that Quadvest be required to provide notice to the following:

- a) cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area; and

- b) the county judge of each county that is wholly or partially included in the requested area; and
- c) each owner of a tract of land that is at least 25 acres and is wholly or partially included in the requested area. The landowner information may be obtained from the most current tax appraisal rolls of the applicable central appraisal district; and
- d) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Waller County.

Staff has attached the affidavit Applicant 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 Waller 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	November 10, 2017
Deadline for Staff to file a recommendation on sufficiency of notice	November 17, 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.

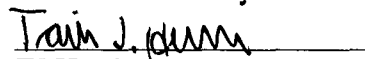
Dated: September 26, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

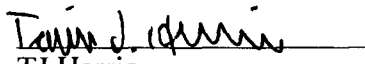
Stephen Mack
Managing Attorney


TJ Harris
Attorney – Legal Division
State Bar No. 24097804
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7216
(512) 936-7268 (facsimile)
TJ.Harris@puc.texas.gov

DOCKET NO. 47073

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 26, 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: September 26, 2017

Subject: **Docket 47073**, *Application of Quadvest, LP to Amend Water and Sewer Certificates of Convenience and Necessity (CCNs) in Waller County.*

On April 18, 2017, Quadvest, LP, (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend water and sewer CCNs No. 11612 and sewer CCN No. 20952 in Waller 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. The total area includes 281 acres and 0 customers.

Staff has reviewed the application information and recommends that the application be deemed sufficient for filing and administratively complete. Staff further recommends the Applicant be ordered to do the following:

- 1) Provide notice of the application to the following:
 - a) cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area; and
 - b) the county judge of each county that is wholly or partially included in the requested area; and
 - c) each owner of a tract of land that is at least 25 acres and is wholly or partially included in the requested area. The landowner information may be obtained from the most current tax appraisal rolls of the applicable central appraisal district; and
 - d) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Waller County.
- 2) Provide notice of the application to the following:
 - Bluebonnet GCD
 - Brookshire Katy Drainage District
 - Coastal Water Authority
 - Gulf Coast Waste Disposal Authority
 - Harris County FCD
 - Harris County MUD 519
 - Harris County MUD 520
 - Port of Houston Authority
 - San Jacinto River Authority
 - Waller County MUD 9
 - Waller County Judge
 - West Harris County RWA

- 3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, and landowners. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>.
- 4) File in the docket an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided within 30 days of the date of the notice. In addition, file the publisher's affidavit for proof of newspaper publication. 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 WALLER COUNTY, TEXAS

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

Date Notice Mailed: _____, 2017

(Address)

(City State Zip)

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 Waller County.

The requested area is located approximately 6 miles northwest of downtown Katy, Texas, and is generally bounded on the north by FM 529; on the east by 1 mile east of FM 2855; on the south by Beckendorff Rd; and on the west by 0.45 east miles east of FM 2855

The total area being requested includes approximately 281 acres and serves 0 current customers.

The requested area overlaps the boundaries of Bluebonnet GCD. If Bluebonnet GCD does not request a public hearing, the Commission shall determine that Bluebonnet 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.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date.

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 información en español, puede llamar al 1-512-936-7221.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND AFFECTED PARTIES DOCKET NO. 47073

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 WALLER 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 of water and sewer service in Waller County.

The requested area is located approximately 6 miles northwest of downtown Katy, Texas, and is generally bounded on the north by FM 529; on the east by 1 mile east of FM 2855; on the south by Beckendorff Rd; and on the west by 0.45 east miles east of FM 2855

The total area being requested includes approximately 281 acres and serves 0 current customers.

The requested area overlaps the boundaries of Bluebonnet GCD. If Bluebonnet GCD does not request a public hearing, the Commission shall determine that Bluebonnet 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.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date.

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 información en español, puede llamar al 1-512-936-7221.

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT DOCKET NO. 47073

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 _____