

Control Number: 47315



Item Number: 10

Addendum StartPage: 0

DOCKET NO. 47315

**APPLICATION OF CHATEAU
WOODS MUNICIPAL UTILITY
DISTRICT TO AMEND A SEWER
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN
MONTGOMERY COUNTY** §
§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**
2017 SEP 29 PM 1:26
PUBLIC UTILITY COMMISSION
FILING CLERK

**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 in response to Order No. 2 and would show the following:

I. BACKGROUND

On June 19, 2017, Chateau Woods Municipal Utility District (CWMUD) filed an application to amend its sewer Certificate of Convenience and Necessity No. 20937 in Montgomery County. CWMUD filed supplemental information on September 22, 2017.

On July 20, 2017, Order No. 2 was issued, establishing a deadline of September 29, 2017 for Staff to file supplemental comments on the administrative completeness of the application and proposed notice and propose a procedural schedule. This pleading is therefore timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Jonathan Ramirez in the Commission's Water Utility Regulation Division, Staff has reviewed the application and the supplemental information filed by CWMUD and recommends that the application as supplemented be found administratively complete and accepted for filing.

III. OVERLAP WITH CITY OF OAK RIDGE NORTH

As indicated in the attached memorandum, CWMUD's requested area overlaps with the corporate boundaries of the City of Oak Ridge North. Under 16 Texas Administrative Code (TAC) § 24.105(a)(4)(B), an applicant whose requested area overlaps with the corporate boundaries of a municipality must provide evidence that the applicant has received the necessary approval from

the municipality to provide service within the municipality's corporate boundaries. CWMUD indicated in its application that it already provides service to the requested area. While this information is sufficient for Staff to recommend that the application be found administratively complete, additional information may be needed during the technical review of the application, as further detailed in the attached memorandum.

IV. NOTICE

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

- 1) Provide notice of the application to the following entities:
 - 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;
 - b) the county judge of each county that is wholly or partially included in the requested area;
 - c) each groundwater conservation district that is wholly or partially included in the requested area; and
 - d) each owner of a tract of land that is at least 25 acres and is wholly or partially included in the requested area.
- 2) Publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County.
- 3) Provide notice to the following entities:
 - Southern Montgomery County MUD
 - Eastwood Hills Subdivision
 - City of Shenandoah
 - San Jacinto River Authority
 - Montgomery County MUD 95
 - Montgomery County MUD 6
 - Town Center Improvement District
 - Montgomery County Drainage District 10

- Montgomery County MUD 99
- Montgomery County MUD 7
- Montgomery County MUD 19
- Montgomery County MUD 36
- Montgomery County Drainage District 6
- The Woodlands Metro Center MUD
- Montgomery County MUD 45
- Montgomery County MUD 60
- Rayford Road MUD
- Montgomery County MUD 67
- City of Oak Ridge North
- Lonestar GCD
- Montgomery County Judge Craig Doyal

Staff further recommends that CWMUD be directed to include a copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties, and each landowner. Staff also recommends that CWMUD be directed to use the attached affidavits to file proof of notice according to the procedural schedule proposed below.

V. PROCEDURAL SCHEDULE

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

Event	Date
Deadline for CWMUD 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 13, 2017
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of CWMUD filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

VI. CONCLUSION

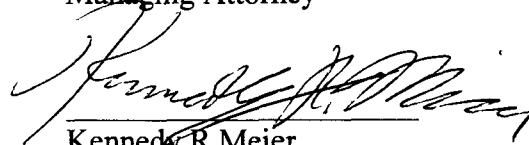
For the reasons discussed above, Staff recommends that the application be found administratively complete. Staff further recommends that the procedural schedule proposed above be adopted for further processing of this docket.

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

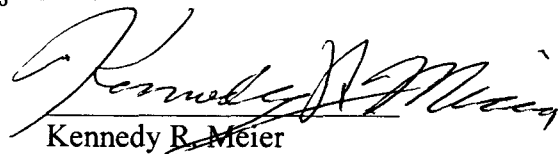


Kennedy R Meier
State Bar No. 24092819
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7265
(512) 936-7268 (facsimile)
kennedy.meier@puc.texas.gov

DOCKET NO. 47315

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 29th of September, 2017 in accordance with 16 TAC § 22.74.



Kennedy R. Meier

PUC Interoffice Memorandum

To: Kennedy Meier, Attorney
Legal Division

Thru: Lisa Fuentes, Team Lead
Water Utility Regulation Division

From: Jonathan Ramirez, Financial Analyst
Water Utility Regulation Division

Date: September 29, 2017

Subject: **Docket No. 47315:** *Application of Chateau Woods Municipal Utility District to Amend a Sewer Certificate of Convenience and Necessity in Montgomery County*

On June 19, 2017, Chateau Woods Municipal Utility District (Chateau Woods MUD or Applicant) filed an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 20937 in Montgomery County pursuant to Texas Water Code Ann. (TWC) §§ 13.242 to 13.250 and 16 Tex. Admin Code (TAC) §§ 24.101 to 24.107. The total area being requested includes approximately 13.6 acres and 178 current 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 Montgomery County; and
 - e) each groundwater conservation district that is wholly or partially included in the requested area.
- 2) Provide notice to the following:
 - Southern Montgomery Co MUD
 - Eastwood hills Subdivision
 - City of Shenandoah
 - San Jacinto River Authority
 - Montgomery County MUD 95
 - Montgomery County MUD 6
 - Town Center Improvement District
 - Montgomery County Drainage District 10
 - Montgomery County MUD 99

- Montgomery County MUD 7
 - Montgomery County MUD 19
 - Montgomery County MUD 36
 - Montgomery County Drainage District 6
 - The Woodlands Metro Center MUD
 - Montgomery County MUD 45
 - Montgomery County MUD 60
 - Rayford Road MUD
 - Montgomery County MUD 67
 - City of Oak Ridge North
 - Lonestar GCD
 - Montgomery County Judge Craig Doyal
- 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.

Technical Review

In order to complete the technical review of the application, Staff recommends the Applicant provide written documentation from the City of Oak Ridge North (City) agreeing to Chateau Woods MUD's provision of retail sewer service within the City's corporate limits.

Notice for Publication

**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) TO PROVIDE SEWER UTILITY SERVICE IN
MONTGOMERY, TEXAS**

Chateau Woods MUD has filed an application with the Public Utility Commission of Texas to amend CCN No. 20937 in Montgomery County.

The proposed utility service area is located approximately .13 mile west of downtown Oak Ridge North, TX, and is generally bounded on the north by Woodson Rd; on the east by Union Pacific RR; on the south by 741ft south of Woodson Rd; and on the west by 290ft west of Blue Berry Hill Dr.

The total area being requested includes approximately 13.6 acres and 178 current customers.

A copy of the proposed service area map is available at: 27351 Blueberry Hill Dr. Suite 36 Conroe, TX 77385 (281)-367-9419

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 area, you may request to be excluded from the proposed 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 or 888-782-8477.

Notice to Neighboring Systems, Landowners and Cities

**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) TO PROVIDE SEWER UTILITY SERVICE IN
MONTGOMERY, TEXAS**

To: _____ Date Notice Mailed: _____, 2017
(Neighboring System, Landowner or City)

(Address)

(City State Zip)

Chateau Woods MUD has filed an application to amend CCN No. 20937 and to decertify a portion of Oak Ridge North with the Public Utility Commission of Texas to provide sewer utility service in Montgomery County.

The proposed utility service area is located approximately .13 mile west of downtown Oak Ridge North, TX, and is generally bounded on the north by Woodson Rd; on the east by Union Pacific RR; on the south by 741ft south of Woodson Rd; and on the west by 290ft west of Blue Berry Hill Dr.

The total area being requested includes approximately 13.6 acres and 178 current customers.

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, the 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 area, you may request to be excluded from the proposed 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 or 888-782-8477.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND CITIES DOCKET NO. 47315

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice
to the following entities and landowners:

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.

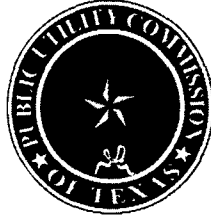
Subscribed and sworn to before me this _____ day of _____, 20____, to
certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT DOCKET NO. 47315

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 _____