

Control Number: 47315



Item Number: 25

Addendum StartPage: 0

**PUC DOCKET NO. 47315**

<b>APPLICATION OF CHATEAU WOODS</b>	<b>§</b>	<b>BEFORE THE</b>
<b>MUNICIPAL UTILITY DISTRICT TO</b>	<b>§</b>	
<b>AMEND A SEWER CERTIFICATE OF</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>MONTGOMERY COUNTY</b>	<b>§</b>	<b>OF TEXAS</b>

**JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL**

COMES NOW, Chateau Woods Municipal Utility District together with the Commission Staff, representing the public interest, (collectively 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 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 November 17, 2017, CWMUD filed proof of published notice. On February 22, 2018, and March 2, 2018, CWMUD filed proof of direct mail notice. On March 6, 2018, Order No. 7 was issued, establishing a deadline of May 14, 2018, for Staff to file a final recommendation on CWMUD's application. Staff has reviewed CWMUD's application and all supplemental information that has been provided. On May 11, 2018, Commission Staff filed its final recommendation that the CWMUD application be approved. Order No. 7 established a deadline of May 21, 2018, for Parties to file joint proposed findings of fact, conclusions of law, and ordering paragraphs. This pleading is therefore timely filed.

## **II. JOINT MOTION TO ADMIT EVIDENCE**

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

- a. CWMUD's Application filed on June 19, 2017. (Docket Item 1)
- b. CWMUD's supplemental documentation filed by CWMUD on June 28, 2017, July 17, 2017, and September 22, 2017. (Docket Items 4, 6, and 9)
- c. CWMUD's affidavits of published notice and notice to neighboring utilities, landowners and cities filed on November 17, 2017, February 22, 2018, and March 2, 2018. (Docket Items 12, 18, and 19)
- d. CWMUD's signed consent forms to the final map and certificate, filed on May 4, 2018. (Docket Item 23)
- e. Commission Staff's recommendation that the Application be approved and the attached map, filed on May 11, 2018. (Docket Item 24)
- f. The corrected certificate attached to this joint motion.

## **III. JOINT PROPOSED NOTICE OF APPROVAL**

The attached Joint Proposed Notice of Approval would grant CWMUD's Application to amend its sewer CCN No. 20937 in Montgomery County, Texas. Also attached are the final map and certificate that were included in Staff's recommendation on final disposition filed on May 11, 2018, with a modification to the certificate to correct a typographical error.

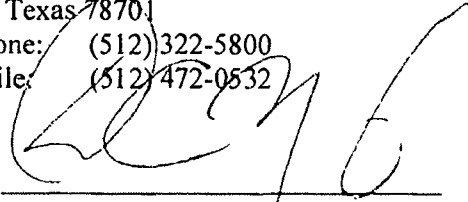
## **IV. CONCLUSION**

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

Respectfully submitted.

**LLOYD GOSSELINK**  
**ROCHELLE & TOWNSEND, P.C.**  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701  
Telephone: (512) 322-5800  
Facsimile: (512) 472-0532

By

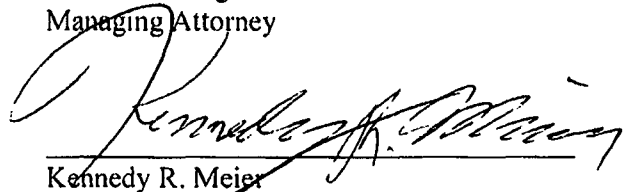
  
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**ATTORNEY FOR CHATEAU WOODS  
MUNICIPAL UTILITY DISTRICT**

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

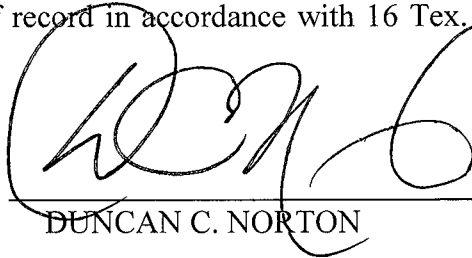
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of May, 2018, a 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.

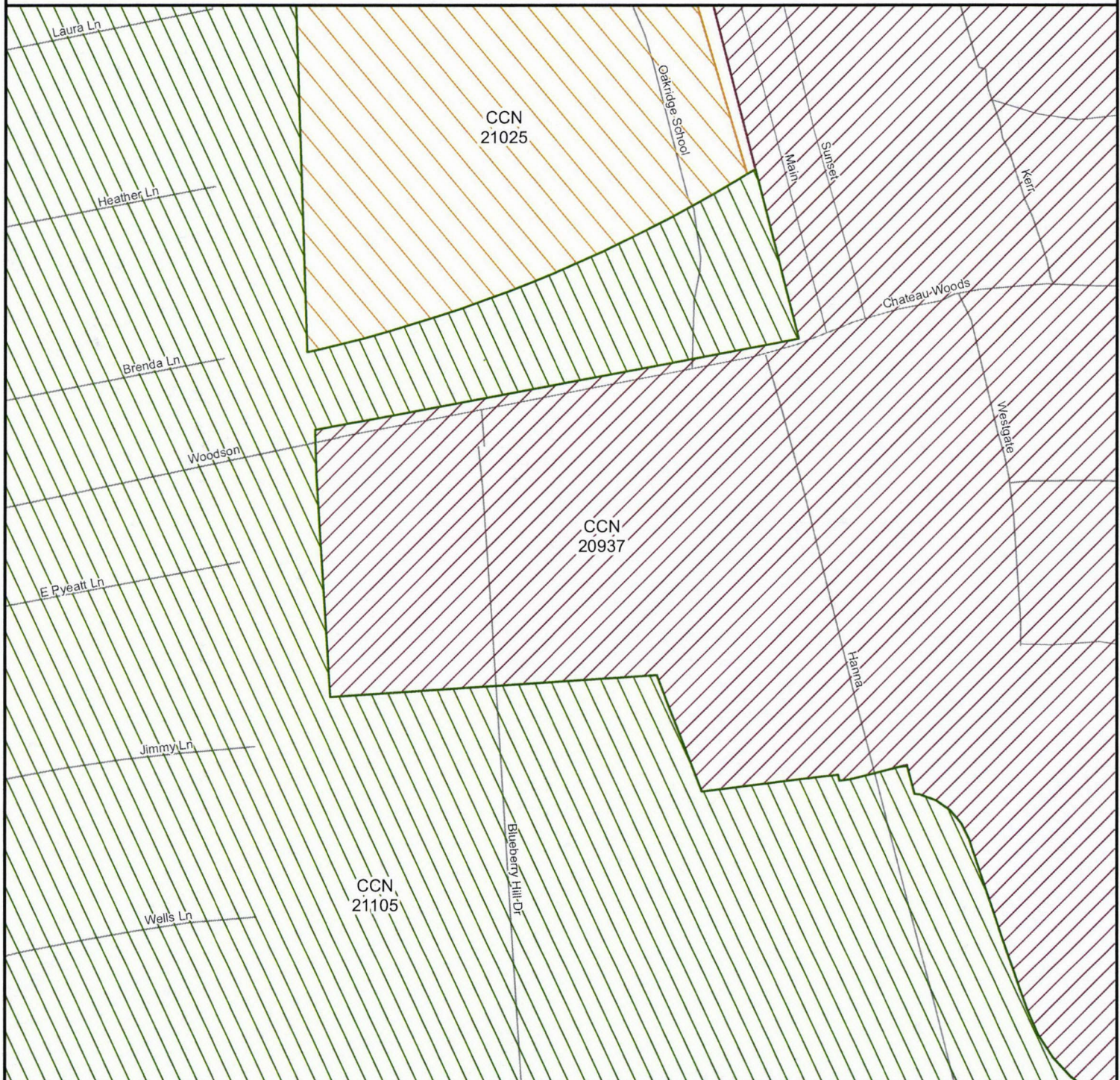


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DUNCAN C. NORTON



Chateau Woods Municipal Utility District  
Portion of Sewer CCN No. 20937  
PUC Docket No. 47315  
Amended CCN No. 20937 in Montgomery County



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

**Sewer CCN**

-  20937 - Chateau Woods MUD
-  21105 - City of Oak Ridge North
-  21025 - City of Shenandoah

0 125 250  
Feet



Map by: Komal Patel  
Date created: March 23, 2018  
Project Path: n:\finalmapping\47315ChateauWoodsMUD.mxd





# **Public Utility Commission of Texas**

## **By These Presents Be It Known To All That Chateau Woods Municipal Utility District**

having obtained certification to provide sewer 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, Chateau Woods Municipal Utility District is entitled to this

### **Certificate of Convenience and Necessity No. 20937**

to provide continuous and adequate sewer utility service to that service area or those service areas in Montgomery County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47315 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Chateau Woods Municipal 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, this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

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<b>MUNICIPAL UTILITY DISTRICT TO</b>	<b>§</b>	
<b>AMEND A SEWER CERTIFICATE OF</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>MONTGOMERY COUNTY</b>	<b>§</b>	<b>OF TEXAS</b>

**JOINT PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the application of Chateau Woods Municipal Utility District (CWMUD) to amend its sewer certificate of convenience and necessity (CCN) number 20937 in Montgomery County. Commission Staff recommended approval of the application. Consistent with Commission Staff recommendation, the application is approved. The Commission adopts the following findings of fact and conclusions of law:

**I. FINDINGS OF FACT**

1. On June 19, 2017, CWMUD filed an application to amend its sewer certificate of convenience and necessity (CCN) number 20937 in Montgomery County, *Chateau Woods MUD Wastewater CCN Amendment Application* (“Application”).
2. On June 21, 2017, Order No. 1 was issued, requiring Commission Staff to file comments on the administrative completeness of the application.
3. On June 28, 2017, July 17, 2017, and September 22, 2017, CWMUD filed supplemental information in support of its application.
4. On July 20, 2017, Order No. 2 was issued, finding the application administratively incomplete.
5. On October 2, 2017, Order No. 3 was issued, finding the application administratively complete.
6. On November 17, 2017, CWMUD filed proof of published notice.



7. On November 21, 2017, Order No. 4 was issued, finding notice deficient and establishing an opportunity to cure the deficiency.
8. On December 5, 2017, City of Oak Ridge North (“City”) filed its motion to intervene in Docket No. 47315.
9. On December 14, 2017, Order No. 5 was issued granting the City’s motion to intervene.
10. On February 2, 2018, Order No. 6 was issued, requiring a filing.
11. On February 22, 2018, and March 2, 2018, CWMUD filed proof of direct mail notice.
12. On February 23, 2018, the City requested to withdraw its objections to CWMUD’s pending Application by means of a letter included in CWMUD’s March 2, 2018 filing. CWMUD addressed and resolved the concerns of the City with regard to CWMUD's pending Application to amend its sewer CCN in the above referenced docket.
13. On March 2, 2018, CWMUD filed its motion to grant the City’s request to withdraw as a party, which included the City's request to the Commission to withdraw as a party.
14. On March 5, 2018, Commission Staff issued its supplemental recommendation on the proof of notice documentation filed by CWMUD on November 17, 2017, February 22, 2018, and March 2, 2018, and recommended that CWMUD's notice be found sufficient. Further, Commission Staff recommended a procedural schedule for continued processing of the pending Application.
15. On March 6, 2018, Order No. 7 was issued deeming notice sufficient and establishing a procedural schedule for the continued processing of the pending Application.
16. On May 4, 2018, consistent with the schedule established in Order No. 7, CWMUD filed the signed consent form.

17. On May 11, 2018, consistent with the schedule established in Order No. 7, Commission Staff filed its final recommendation that the CWMUD application be approved.
18. On \_\_\_\_\_, 2018, Order No. \_\_\_\_ was issued, admitting evidence into the record of the proceeding.
19. On October 20 and 27, 2017, CWMUD published notice of the application in the *Conroe Courier*, a newspaper of general circulation in Montgomery County.
20. On November 13, 2017, CWMUD mailed notice of the application to neighboring systems, landowners, and cities and to affected parties.
21. More than 15 days have passed since the completion of notice.
22. CWMUD and Commission Staff are the only remaining parties to this proceeding.
23. No issues of fact or law remain disputed by any party.

## **II. CONCLUSIONS OF LAW**

1. The Commission has jurisdiction over these matters pursuant to Tex. Water Code Ann. §§ 13.041, 13.241, 13.244, and 13.246 (West 2016) (TWC).
2. CWMUD is a retail public utility as defined in TWC § 13.002(19) and 16 Tex. Admin. Code § 24.3(59) (TAC).
3. Public notice of the Application was provided in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The Application meets the requirements set forth in TWC §§ 13.241, 13.244 and 13.246, and 16 TAC §§ 24.101-102 and 24.104-106.
5. After considering the factors in TWC § 13.246(c), CWMUD is entitled to approval of the application, having demonstrated adequate financial, managerial, and technical capability

for providing continuous and adequate service to the requested area and its current service area as required by TWC § 13.241(a).

6. Approval of the 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).
7. Pursuant to TWC § 13.257(r) and 16 TAC § 24.106(e), CWMUD is required to record a certified copy of the approved CCN and map, 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.
8. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

### **III. ORDERING PARAGRAPHS**

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

1. CWMUD's application is approved.
2. CWMUD's sewer CCN number 20937 in Montgomery County is hereby amended, consistent with this Notice, to add additional area to the area already certificated to CWMUD under sewer CCN number 20937.
3. CWMUD shall serve every customer and applicant for service within the area certified under sewer CCN number 20937 and such service shall be continuous and adequate.
4. CWMUD shall comply with the recording requirements in TWC § 13.257(r) for the area in Montgomery 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 denied.

**SIGNED AT AUSTIN, TEXAS on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

\_\_\_\_\_  
**ADMINISTRATIVE LAW JUDGE**