



Control Number: 47361



Item Number: 5

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**DOCKET NO. 47361**

**APPLICATION OF HOUSE HAHL §  
COMMERCIAL OWNERS §  
ASSOCIATION, INC. FOR A SEWER §  
CERTIFICATE OF CONVENIENCE AND §  
NECESSITY IN HARRIS COUNTY §  
§**

**RECEIVED  
PUBLIC UTILITY COMMISSION  
2017 JUL 28 AM 10:58  
OF TEXAS  
PUBLIC UTILITY COMMISSION  
FILE NO. 47361**

**COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF  
APPLICATION**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 1 and Recommendation on Sufficiency of Application. In support thereof, Staff shows the following:

**I. BACKGROUND**

On June 28, 2017, House Hahl Commercial Owners Association, Inc. (House Hahl) filed with the Commission an application for a new sewer Certificate of Convenience and Necessity in Harris County. The proposed sewer service area includes approximately 42 acres with 7 current customers. Order No. 1, issued June 30, 2017, required Staff to file a recommendation on the administrative completeness of the application and proposed notice by July 28, 2017. Staff and House Hahl were also ordered to file a procedural schedule by the same date. This pleading is therefore timely filed.

**II. RECOMMENDATION ON ADMINISTRATIVE SUFFICIENCY**

Staff has reviewed House Hahl's application and recommends it be found sufficient for filing, as supported by the attached memorandum of Greg Charles of the Water Utilities Division (Attachment A). The Applicant should be ordered to provide notice and proof of that notice using the forms (Attachment B) and in the manner detailed in the attached memorandum.

**III. JOINT PROPOSED PROCEDURAL SCHEDULE**

Staff recommends the application be found administratively complete. Staff therefore proposes the following procedural schedule, to which House Hahl has agreed:

5

<b>Event</b>	<b>Date</b>
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 14, 2017
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Applicant filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

#### **IV. CONCLUSION**

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

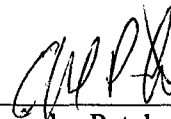
Dated: July 28, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



Alexander Petak  
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1701 N. Congress Avenue  
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Austin, Texas 78711-3326  
(512) 936-7377  
(512) 936-7268 (facsimile)  
Alexander.Petak@puc.texas.gov

**DOCKET NO. 47361  
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record July 28, 2017,  
in accordance with 16 Texas Admin. Code § 22.74.



Alexander Petak

# **ATTACHMENT A**

## PUC Interoffice Memorandum

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**To:** Alexander Petak  
Legal Division

**Thru:** Tammy Benter, Director  
Heidi Graham, Manager  
Water Utilities Division

**From:** Greg Charles, Staff Engineer  
Water Utilities Division

**Date:** July 24, 2017

**Subject:** **Docket 47361**, *Application of House Hahl Commercial Owners Association Inc. to obtain a Certificate of Convenience and Necessity (CCN) in Harris County*

On June 28, 2017, House Hahl Commercial Owners Association Inc. filed with the Public Utility Commission of Texas (Commission) an application to obtain a sewer CCN in Harris County, Texas pursuant to Texas Water Code Ann. (TWC), §§ 13.242 to 13.250 and the 16 Tex. Admin Code (TAC) §§ 24.101 to 24.107.

A Staff review of the information filed by the applicant on June 28, 2017, and 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 following:

1. The Applicant be ordered to 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 Harris County.
2. The Applicant provide correct notice of the application to the following:
  - Barker Utilities GP LLC (CCN No. 21013)
  - City of Houston
  - Coastal Water Authority
  - CY Fair Community Improvement District
  - Cypress Hill MUD 1
  - Gulf Coast Waste Disposal Authority
  - Harris County FCD
  - Harris County Improvement District 13
  - Harris County Improvement District 14
  - Harris County Judge

- Harris County MUD 196
  - Harris County MUD 354
  - Harris County MUD 358
  - Harris County MUD 365
  - Harris County MUD 371
  - Harris County MUD 374
  - Harris County MUD 375
  - Harris County MUD 376
  - Harris County MUD 391
  - Harris County MUD 419
  - Harris County MUD 433
  - Harris County MUD 501
  - Harris County MUD 502
  - Harris County MUD 503
  - Harris County WCID 155
  - Harris County WCID 157
  - Harris County WCID 159
  - Harris Galveston Subsidence District
  - North Harris County Regional Water Authority
  - Northwest Harris County MUD 10
  - Orchard Crossing (CCN No. 20765)
  - Port of Houston Authority
  - West Harris County RWA
3. The Applicant be ordered to 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/>.
4. 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.

## **ATTACHMENT B**



***Notice for Publication***

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

House Hahl Commercial Owners Association, Inc. has filed an application with the Public Utility Commission of Texas to obtain a Certificate of Convenience and Necessity, to provide retail sewer utility service in Harris County.

The requested area is located approximately 25 miles northwest of downtown Houston, Texas, and is generally bounded on the north by Trinity Trail; on the east by House Hahl Road; on the south by House Hahl Road; and on the west by a line 950 feet west of and parallel to House Hahl Road.

The total requested area includes approximately 43 acres and 7 current customers.

A copy of the map showing the requested area is available at: Water Engineers, Inc., 17230 Huffmeister Road, Suite A, Cypress Texas 77429.

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 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

***Notice to Neighboring Systems, Landowners and Cities***

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

To: \_\_\_\_\_  
(Neighboring System, Landowner or City)  
  
\_\_\_\_\_  
(Address)  
  
\_\_\_\_\_  
(City    State    Zip)

Date Notice Mailed: \_\_\_\_\_, 2017

House Hahl Commercial Owners Association, Inc. has filed an application with the Public Utility Commission of Texas to obtain a Certificate of Convenience and Necessity, to provide retail sewer utility service in Harris County.

The requested area is located approximately 25 miles northwest of downtown Houston, Texas, and is generally bounded on the north by Trinity Trail; on the east by House Hahl Road; on the south by House Hahl Road; and on the west by a line 950 feet west of and parallel to House Hahl Road.

The total requested area includes approximately 43 acres and 7 current customers.

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.

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

# PUBLIC UTILITY COMMISSION



## PUBLISHER'S AFFIDAVIT DOCKET NO. 47361

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 \_\_\_\_\_

# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 47361

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ has provided individual notice  
to the following entities and customers:

DATE OF NOTICE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### 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 \_\_\_\_\_