



Control Number: 47931



Item Number: 7

Addendum StartPage: 0

**DOCKET NO. 47931**

RECEIVED

**APPLICATION OF ALBURY MANOR §  
UTILITY COMPANY, INC. TO §  
AMEND A WATER CERTIFICATE §  
OF CONVENIENCE AND §  
NECESSITY TO DECERTIFY THE §  
ALBURY TRAIL ESTATES SERVICE §  
AREA IN HARRIS COUNTY §**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS AND PROPOSED NOTICE**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 1, files this Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

**I. BACKGROUND**

On January 5, 2018, Albury Manor Utility Company, Inc. (Albury Manor) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11507 and to decertify the Albury Trail Estates service area in Harris County. The total area being requested includes approximately one hundred (100) acres and zero (0) customers.

On January 10, 2018, Order No. 1 was issued establishing a deadline of February 5, 2018, for Staff to file a recommendation on the administrative completeness of the application, the sufficiency of the proposed notice, and to propose a procedural schedule. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum of Emily Sears of the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that it be found administratively complete and accepted for filing.

### **III. NOTICE**

As detailed in the attached memorandum, Staff recommends that Albury Manor be directed to use the attached forms to provide notice of the application to the following:

- 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;
- the county judge of each county that is wholly or partially included in the requested area;
- each groundwater conservation district that is wholly or partially included in the requested area; and
- affected customers; and
- publish notice once a week for two (2) consecutive weeks in a newspaper of general circulation in Harris County.

Provide correct notice of the application to the following entities:

- HMW SUD, CCN No. 10342
- Quadvest LP, CCN No. 11612
- Inline Development Corporation, CCN No. 12946
- Pinewood Community LP, CCN No. 13158
- Aqua Texas Inc., CCN No. 13203
- UIC 13 LLC, CCN No. 13242
- City of Tomball, CCN No. 13257
- North Harris County Regional Water Authority
- Harris County FCD
- Harris County MUD 401
- Harris County WCID 119
- Gulf Coast Waste Disposal Authority
- Harris County MUD 367
- Port of Houston Authority
- Coastal Water Authority
- Harris County MUD 368
- Harris County MUD 383
- Harris County MUD 480
- Harris County MUD 273
- Harris County MUD 530
- Dowdell PUD
- City of Houston
- City of Tomball
- Harris Galveston Coastal Subsidence District
- Harris County Judge Ed Emmett

Albury Manor must provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, and customers. 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/>.

Albury Manor must also 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.

#### **IV. PROCEDURAL SCHEDULE**

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

<b>Event</b>	<b>Date</b>
Deadline for Albury Manor 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	March 20, 2018
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Albury Manor filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

#### **V. CONCLUSION**

For the reasons detailed above, Staff recommends that the application be found administratively complete, that Albury Manor be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

Dated: February 2, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



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**DOCKET NO. 47931**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on February 2, 2018, in accordance with 16 TAC § 22.74.



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Richard A. Nemer

## PUC Interoffice Memorandum

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**To:** Richard Nemer  
Legal Division

**Thru:** Tammy Benter, Director  
Lisa Fuentes, Manager  
Water Utility Regulation Division

**From:** Emily Sears, Financial Analyst  
Water Utility Regulation Division

**Date:** January 30, 2018

**Subject:** **Docket 47931**, *Application of Albury Manor Utility Company, Inc. to Amend its Water Certificate of Convenience and Necessity (CCN) to Decertify the Albury Trail Estates Service Area in Harris County*

On January 5, 2018, Albury Manor Utility Company, Inc., filed with the Public Utility Commission of Texas (Commission) an application to decertify a portion of its Certificate of Convenience and Necessity (CCN) No. 11507 known as Albury Trail Estates in Harris County pursuant to Texas Water Code Ann., §§ 13.242 to 13.250 (West 2008) (TWC) and the 16 Tex. Admin Code §§ 24.101 to 24.107 (TAC).

Based on Staff's review of the above referenced application, Staff recommends that the application be deemed sufficient for filing and be found administratively complete. Staff also recommends 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;
  - 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) affected customers; and
  - e) publish notice once a week for two (2) consecutive weeks in a newspaper of general circulation in Harris County.
- 2) Provide correct notice of the application to the following entities:
  - HMW SUD, CCN No. 10342
  - Quadvest LP, CCN No. 11612
  - Inline Development Corporation, CCN No. 12946
  - Pinewood Community LP, CCN No. 13158
  - Aqua Texas Inc., CCN No. 13203
  - UIC 13 LLC, CCN No. 13242
  - City of Tomball, CCN No. 13257
  - North Harris County Regional Water Authority
  - Harris County FCD
  - Harris County MUD 401
  - Harris County WCID 119

- Gulf Coast Waste Disposal Authority
  - Harris County MUD 367
  - Port of Houston Authority
  - Coastal Water Authority
  - Harris County MUD 368
  - Harris County MUD 383
  - Harris County MUD 480
  - Harris County MUD 273
  - Harris County MUD 530
  - Dowdell PUD
  - City of Houston
  - City of Tomball
  - Harris Galveston Coastal Subsidence District
  - Harris County Judge Ed Emmett
- 3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, and customers. 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, Affected Customers and Cities***  
**NOTICE OF APPLICATION TO AMEND/DECERTIFY A CERTIFICATE OF  
CONVENIENCE AND NECESSITY (CCN) IN HARRIS COUNTY, TEXAS**

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

Date Notice Mailed: \_\_\_\_\_, 2018

Albury Manor Utility Company, Inc., has filed an application with the Public Utility Commission of Texas to decertify a portion of its Certificate of Convenience and Necessity (CCN) No. 11507 known as Albury Trail Estates in Harris County.

The requested area is located approximately 3 mile(s) southeast of downtown Tomball, Texas, and is generally bounded on the north by Spell Road; on the east by Silver Lance Drive; on the south by ½ mile north of Boudreaux Road; and on the west by Olde Mint House Lane.

The total requested area includes approximately 100 acres and 0 current customers.

**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 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 final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

Si desea información en español, puede llamar al 1-888-782-8477.



***Notice for Publication***  
**NOTICE OF APPLICATION TO AMEND/DECERTIFY A CERTIFICATE OF  
CONVENIENCE AND NECESSITY (CCN) IN HARRIS COUNTY, TEXAS**

Albury Manor Utility Company, Inc., has filed an application with the Public Utility Commission of Texas to decertify a portion of its Certificate of Convenience and Necessity (CCN) No. 11507 known as Albury Trail Estates in Harris County.

The requested area is located approximately 3 mile(s) southeast of downtown Tomball, Texas, and is generally bounded on the north by Spell Road; on the east by Silver Lance Drive; on the south by ½ mile north of Boudreaux Road; and on the west by Olde Mint House Lane.

The total requested area includes approximately 100 acres and 0 current customers.

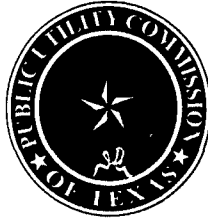
**A copy of the map showing the requested area is available at: 400 Randal Way, Suite 106, Spring, Texas 77388.**

*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.*

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Si desea información en español, puede llamar al 1-888-782-8477.

# PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND  
AFFECTED PARTIES  
DOCKET NO. **47931**

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.

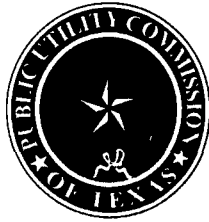
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

Commission Expires \_\_\_\_\_

# PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT  
DOCKET NO. 47931

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 \_\_\_\_\_