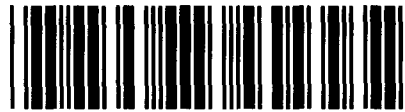


Control Number: 47936



Item Number: 8

Addendum StartPage: 0

APPLICATION OF MSEC  
ENTERPRISES, INC. TO AMEND A  
WATER CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
MONTGOMERY COUNTY §  
§  
§  
§  
§

PUBLIC UTILITY COMMISSION  
OF TEXAS

2018 FEB 05 PM 12:04

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

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 Proposed Notice in response to Order No. 2. In support thereof, Staff shows the following:

**I. BACKGROUND**

On January 9, 2018, MSEC Enterprises, Inc. (MSEC) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12887 in Montgomery County. The total area being requested includes approximately 79 acres and 1 current customer. MSEC filed supplemental information on February 16, 2018.

On February 9, 2018, the Administrative Law Judge issued Order No. 2, which required Staff to file a supplemental recommendation on the amended application and propose a procedural schedule by April 5, 2018. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum from Debbie Reyes Tamayo in the Commission's Water Utility Regulation Division, Staff has reviewed the application and supplemental information filed by MSEC and recommends that it be found administratively complete and accepted for filing.

**III. NOTICE**

At this time, Staff recommends that MSEC proceed with providing public notice to all persons, political subdivisions, and other entities listed in the attached memorandum using the notices provided by Ms. Tamayo. Along with each individual notice, Staff recommends that

8

MSEC provide an accurate map delineating the requested service area. Staff also recommends that MSEC publish notice once each week for two consecutive weeks in a newspaper of general circulation in Montgomery County within 30 days of the provision of notice, Staff recommends that MSEC file proof of notice and proof of newspaper publication as described in the attached memorandum. Finally, it is recommended that MSEC use the attached affidavits to meet these requirements.

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

Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Deadline for the 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	May 18, 2018
Deadline for Staff to file a recommendation on sufficiency of notice	Within ten (10) days of the Applicant filing proof of completed notice with the Commission
Deadline to intervene	Thirty (30) days after notice is issued

#### **V. CONCLUSION**

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

Dated: April 5, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney

---

Landon J. Lill  
State Bar No. 24092700  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7228  
(512) 936-7268 (facsimile)  
Landon.Lill@puc.texas.gov

**DOCKET NO. 47936**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on April 5, 2018, in accordance with 16 TAC § 22.74.

---

Landon J. Lill

## PUC Interoffice Memorandum

---

**To:** Landon Lill, Attorney  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**From:** Debbie Reyes Tamayo, Program Specialist  
Water Utility Regulation Division

**Date:** March 22, 2018

**Docket** *47936, Application of MSEC Enterprises, Inc. to Amend a Water Certificate of Convenience and Necessity in Montgomery County*

On January 9, 2018, MSEC Enterprises, Inc., (MSEC or Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12887 in Montgomery County, Texas pursuant to Texas Water Code Ann. (TWC), §§ 13.242 - 13.250 and the 16 Tex. Admin Code (TAC) §§ 24.101 - 24.107.

A Staff review of the additional information filed by the Applicant on March 9, 2018, 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 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;
  - 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) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the requested 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 requested area is located; and
  - e) affected customers, and
  - f) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County.
  
- 2) Provide correct notice of the application to the following:
  - Aqua Texas Inc (CCN No. 11157)
  - C & R Water Supply Inc (CCN No. 13098)
  - Crystal Springs Water Company Inc (CCN No. 11373)
  - Lake Bonanza WSC (CCN No. 12703)
  - Lake Forest Falls Inc (CCN No. 11443)
  - Lake South WSC (CCN No. 12700)
  - Nerro Supply LLC (CCN No. 12252)
  - Woodland Oaks Utility Company Inc (CCN No. 12947)

- City of Conroe
  - Lone Star GCD
  - Montgomery County MUD 113
  - Montgomery County MUD 121
  - San Jacinto River Authority
  - Montgomery County Judge
- 3) Provide an accurate map delineating the requested 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) Within 30 days of the date of the notice, file in the docket a map and copy of notice along with an affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and 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, Landowners, Customers and Cities**  
NOTICE OF APPLICATION OF MSEC ENTERPRISES, INC., TO AMEND ITS WATER  
CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 12887 IN MONTGOMERY  
COUNTY, TEXAS

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

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

MSEC Enterprises, Inc., filed an application with the Public Utility Commission of Texas to amend its water CCN No. 11322 for the provision of retail water utility service in Montgomery County, Texas.

The requested area is located approximately 7 miles west of downtown Conroe, TX, and is generally bounded on the north by Amber Ln.; on the east by Taylor Rd.; on the south by FM 2854 and BNSF Railroad; and on the west by Mc Caleb Rd.

See enclosed map of the requested area.

The requested area includes approximately 85 total acres and 1 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) 936-7469 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.

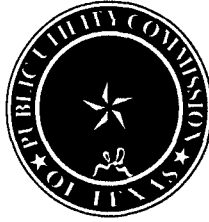
A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt 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 informacion en Espanol, puede llamar al 1-512-936-7469

# PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING  
UTILITIES AND AFFECTED PARTIES  
DOCKET NO. **47936**

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ has provided individual  
notice to the following entities, landowners 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 \_\_\_\_\_



***Notice for Publication***

NOTICE OF APPLICATION OF THE MSEC ENTERPRISES, INC TO AMEND ITS WATER  
CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 12887 IN  
MONTGOMERY COUNTY, TEXAS

MSEC Enterprises, Inc., filed an application with the Public Utility Commission of Texas to amend its water CCN No. 11322 for the provision of retail water utility service in Montgomery County, Texas.

The requested area is located approximately 7 miles west of downtown Conroe, TX, and is generally bounded on the north by Amber Ln.; on the east by Taylor Rd.; on the south by FM 2854 and BNSF Railroad; and on the west by Mc Caleb Rd.

**A copy of the requested service area map may be viewed at: 7625 Highway 6, Navasota, TX 77868: 936-825-5100**

The requested area includes approximately 85 total acres and 1 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) 936-7469 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.

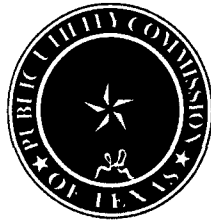
Persons who wish to request this option should file the required documents with the:

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 informacion en Espanol, puede llamar al 1-512-936-7469

# PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT  
DOCKET NO. 47936

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 \_\_\_\_\_, 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 \_\_\_\_\_