



Control Number: 48033



Item Number: 4

Addendum StartPage: 0

DOCKET NO. 48033

**APPLICATION OF CRYSTAL
SPRINGS WATER CO., INC. TO
AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
MONTGOMERY COUNTY** §
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§
§

2018 MAR -7 PM 2:13
PUBLIC UTILITY COMMISSION
OF TEXAS
PUBLIC UTILITY COMMISSION
FILING CLERK

**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. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On February 7, 2018, Crystal Springs Water Company, Inc. (Crystal Springs) filed a petition to amend its water Certificate of Convenience and Necessity (CCN) No. 11373 in Montgomery County. Specifically, Crystal Springs requests a total service area of approximately 102 acres with no current customers.

On February 9, 2018, Order No. 1 was issued, establishing a deadline of March 7, 2018, for Staff to file a recommendation on the administrative completeness of the application and notice and propose a procedural schedule for further processing of the application. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Elisabeth English in the Commission's Water Utility Regulation Division, Staff has reviewed the application filed by Crystal Springs, and recommends that it be found administratively complete.

III. NOTICE

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

Crystal Springs provide an accurate map delineating the requested service area. Staff also recommends that Crystal Springs 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 Crystal Springs file proof of notice and proof of newspaper publication as described in the attached memorandum. Finally, it is recommended that Crystal Springs use the attached affidavits to meet these requirements.

IV. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for Crystal Springs to file with the Commission signed affidavits that notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation	April 23, 2018
Deadline for Staff to file a recommendation on sufficiency of notice	Within ten (10) days of Crystal Springs 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 Crystal Springs be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.


Dated: March 7, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

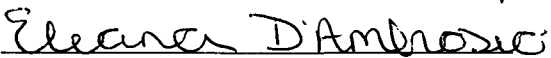
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(512) 936-7268 (facsimile)
Eleanor.Dambrosio@puc.texas.gov

**DOCKET NO. 48033
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on March 7, 2018, in accordance with 16 Texas Administrative Code § 22.74.


Eleanor D'Ambrosio

PUC Interoffice Memorandum

To: Eleanor D' Ambrosio, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utilities Division

From: Elisabeth English, Engineering Specialist
Water Utilities Division

Date: March 7, 2018

Subject: **Docket 48033**, *Application of Crystal Springs Water Co., Inc. to Amend a Certificate of Convenience and Necessity in Montgomery County*

On February 7, 2018, Crystal Springs Water Co., Inc. (Applicant) filed an application to amend water Certificate of Convenience and Necessity (CCN) No. 11373 in Montgomery County, Texas, pursuant to Texas Water Code (TWC) §§ 13.242-.250 and 16 Texas Administrative Code (TAC) §§ 24.101-.107.

Based on a review of the application, Staff recommends that the application be found administratively complete and accepted for filing. 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.

- 2) Provide notice to the following:
 - City of Cleveland (CCN No. 13217)
 - City of Splendora (CCN No. 11727)
 - C & R Water Supply Inc (CCN No. 13098)
 - East Montgomery County Improvement District
 - Lone Star Groundwater Conservation District
 - Montgomery County Judge
 - Northwoods WSC (CCN No. 12879)
 - San Jacinto River Authority
 - Southern Horizons (CCN No. 12863)
 - T & W Water Service (CCN No. 12892)

- 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 a copy of the actual notice and map issued, along with 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 and Cities
**NOTICE OF APPLICATION TO AMEND A WATER CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) IN MONTGOMERY COUNTY, TEXAS**

To: _____ Date Notice Mailed: _____, 2018
(Neighboring System or City)

(Address)

(City State Zip)

Crystal Springs Water Co., Inc. has filed an application with the Public Utility Commission of Texas to amend a water CCN, No. 11373 in Montgomery County.

The requested area is located approximately 3 miles north of downtown Splendora, TX, and is generally bounded on the north by Morgan Cemetery Rd; on the east by Autumn Ln; on the south by a line approximately 3,325 ft south of and parallel to Morgan Cemetery Rd; and on the west by Crossno Rd.

The requested area includes approximately 102 total acres and 0 current customers

The requested area overlaps the boundaries of the East Montgomery County Improvement District and Lone Star Groundwater Conservation District. If the districts do not request a public hearing, the Commission shall determine that the districts are consenting to the Crystal Springs Water Co., Inc.'s request to provide retail water utility service within the area(s) requested in this application.

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.

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. 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.

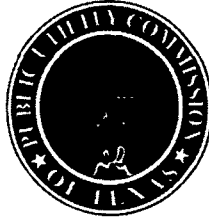
Persons who wish to request this option should file the required documents with the:

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

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND CITIES

DOCKET NO. **48033**

STATE OF TEXAS COUNTY OF _____

_____ has provided individual
notice to the following entities:

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 TO AMEND A WATER CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) IN MONTGOMERY COUNTY, TEXAS**

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The requested area is located approximately 3 miles north of downtown Splendora, TX, and is generally bounded on the north by Morgan Cemetery Rd; on the east by Autumn Ln; on the south by a line approximately 3,325 ft south of and parallel to Morgan Cemetery Rd; and on the west by Crossno Rd.

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A copy of the map showing the requested area is available at: WaterEngineers, Inc., 17230 Huffmeister Road, Suite A, Cypress, Texas 77429 (281) 373-0500.

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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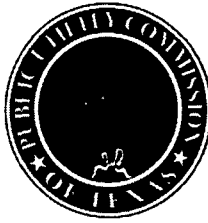
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PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT

DOCKET NO. **48033**

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 _____