



Control Number: 48250



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DOCKET NO. 48250

**APPLICATION OF STANLEY LAKE
MUNICIPAL UTILITY DISTRICT TO
AMEND CERTIFICATES OF
CONVENIENCE AND NECESSITY
AND TO DECERTIFY PORTIONS OF
SC UTILITIES AND T&W WATER
SERVICE COMPANY'S
CERTIFICATED SERVICE AREAS IN
MONTGOMERY COUNTY**

PUBLIC UTILITY COMMISSION
OF TEXAS
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 files this response to Order No. 1, Staff's Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed administratively complete and that Stanley Lake Municipal Utility District (Stanley Lake MUD) be ordered to issue notice. In support thereof, Staff shows the following:

I. BACKGROUND

On April 10, 2018, Stanley Lake MUD filed an application to amend Certificates of Convenience and Necessity (CCN) Nos. 11222 (water) and 20483 (sewer) and to decertify a portion of T&W Water Service's CCN No. 12892 and SC Utilities' CCN No. 20586 service area in Montgomery County. The requested area consists of approximately 739 total acres including nine (9) acres decertified from T&W Water Service and nine (9) acres decertified from SC Utilities, and six (6) current customers.

On April 17, 2018, Order No. 1 was issued establishing a deadline of May 10, 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 Debbie Reyes in the Commission's Water Utility Regulation Division, Staff has reviewed the application filed by Stanley Lake MUD and recommends that it be found administratively complete and accepted for filing.

III. NOTICE

As detailed in the attached memorandum, Staff recommends that Stanley Lake MUD proceed with providing public notice and be directed to use the attached forms to provide such notice to the following persons, political subdivisions and other entities:

- 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;
- e) any affected customers, and other affected parties in the requested area; and
- f) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County.

In addition, Staff recommends that Stanley Lake MUD provide correct notice of the application to the following entities:

***Include landowners**

- Dobbin Plantersville WSC, CCN No. 11052
- Lake Lorraine Civic Organization, CCN No. 11357
- Quadvest LP, CCN No. 11612
- Conroe Resort Utilities, LLC, CCN Nos. 11942 and 20638
- Del Lago Estates WSC, CCN Nos. 12103 and 20691
- Lake Bonanza WSC, CCN No. 12703
- Havenshire Subdivision Water System, CCN No. 12769
- Saddle & Surrey Acres WSC, CCN No. 12774
- MSEC Enterprises, Inc, CCN No. 12887 and 20984
- T&W Water Service, CCN No. 12892
- Pine Lake WSC Inc, CCN No. 12941
- Aqua Texas, Inc, CCN Nos. 13203 and 21065
- Simply Aquatics, Inc, CCN No. 13259
- SC Utilities, CCN No. 20586
- San Jacinto River Authority
- Montgomery County Utility District No. 3
- Smith Ridge MUD
- Montgomery County Utility District No. 4
- Montgomery County MUD No. 18
- Montgomery County MUD No. 9

- Martin Creek MUD
- Montgomery County MUD No. 8
- City of Conroe
- City of Montgomery
- Lone Star GCD
- Montgomery County Judge Craig Doyal

Staff recommends that Stanley Lake MUD provide an accurate map delineating the requested area with individual notice to neighboring utilities, other affected parties, landowners and customers. Information related to the districts including addresses can be obtained from the TCEQ's website located at <http://www14.tceq.texas.gov/iwud/>.

Additionally, Staff recommends that within 30 days of the date of the notice, Stanley Lake MUD 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 Stanley Lake MUD use the attached notices and affidavits to meet these requirements.

IV. PROCEDURAL SCHEDULE

Staff has conferred with the representative for Stanley Lake MUD, Bruce Douglass, and is authorized to report that Stanley Lake MUD agrees with the following proposed procedural schedule:

	Event	Date
	Deadline for Stanley Lake MUD 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	June 25, 2018
	Deadline for Staff to file a recommendation on sufficiency of notice	Within ten (10) days of Stanley Lake MUD 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 Stanley Lake MUD be directed to provide notice as detailed above and in the attached memorandum, and that the proposed procedural schedule be adopted.

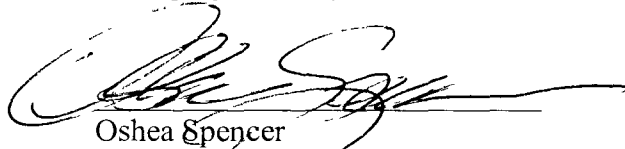
Dated: May 10, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

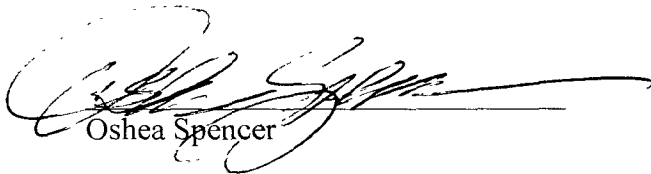


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on May 10, 2018 in accordance with 16 TAC § 22.74.



Oshea Spencer

PUC Interoffice Memorandum

To: Oshea Spencer, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Debbie Reyes, Program Specialist
Water Utility Regulation Division

Date: May 8, 2018

Docket **48250**, *Application of Stanley Lake MUD to Amend a Water and Sewer and to Decertify a Portion of T&W Water Service and SC Utilities, Certificate of Convenience and Necessity in Montgomery County*

On April 10, 2018, Stanley Lake MUD., (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend Certificate of Convenience and Necessity (CCN) Nos. 11222 (water) and 20483 (sewer) and to decertify a portion of T&W Water Service's CCN No. 12892 and SC Utilities' CCN No. 20586 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 found that it is sufficient in the required application and mapping information. Therefore, Staff recommends that the application be deemed sufficient for filing and 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;
 - e) any affected customers, and other affected parties in the requested area; 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 list of neighboring entities required to receive notice is as follows: *Include landowners
 - Dobbin Plantersville WSC, CCN No. 11052
 - Lake Lorraine Civic Organization, CCN No. 11357
 - Quadvest LP, CCN No. 11612
 - Conroe Resort Utilities, LLC, CCN Nos. 11942 and 20638

- Del Lago Estates WSC, CCN Nos. 12103 and 20691
 - Lake Bonanza WSC, CCN No. 12703
 - Havenshire Subdivision Water System, CCN No. 12769
 - Saddle & Surrey Acres WSC, CCN No. 12774
 - MSEC Enterprises, Inc, CCN No. 12887 and 20984
 - T&W Water Service, CCN No. 12892
 - Pine Lake WSC Inc, CCN No. 12941
 - Aqua Texas, Inc, CCN Nos. 13203 and 21065
 - Simply Aquatics, Inc, CCN No. 13259
 - SC Utilities, CCN No. 20586
 - San Jacinto River Authority
 - Montgomery County Utility District No. 3
 - Smith Ridge MUD
 - Montgomery County Utility District No. 4
 - Montgomery County MUD No. 18
 - Montgomery County MUD No. 9
 - Martin Creek MUD
 - Montgomery County MUD No. 8
 - City of Conroe
 - City of Montgomery
 - Lone Star GCD
 - Montgomery County Judge Craig Doyal
- 3) Provide an accurate map delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners 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, Customers and Cities

NOTICE OF APPLICATION OF STANLEY LAKE MUD TO AMEND ITS WATER AND SEWER CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) AND TO DECERTIFY A PORTION OF T&W WATER SERVICE'S WATER CCN AND SC UTILITIES' SEWER CCN IN MONTGOMERY COUNTY, TEXAS

To: _____
(Neighboring System, Landowner or City)

(Address)

(City State Zip)

Date Notice Mailed: _____, 2018

Stanley Lake Mud has filed an application with the Public Utility Commission of Texas to amend its Certificates of Convenience and Necessity (CCN) Nos. 11222 (water) and 20483 (sewer) and to decertify a portion of T&W Water Service's CCN No. 12892 and SC Utilities' CCN No. 20586 in Montgomery County, Texas

The requested area is located approximately 1.5 miles east of downtown Montgomery, Texas, and is generally bounded on the north by Lake Conroe; on the east by Lake Conroe; on the south by Martin Creek; and on the west by Farm to Market 2854. The requested area consists of approximately 739 total acres including 9 acres decertified from T&W Water Service and 9 acres from decertified from SC Utilities, and 6 current customers. **See enclosed map of 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) 936-7469 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 optout 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 CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 48250

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 _____

Notice for Publication

NOTICE OF APPLICATION OF STANLEY LAKE MUD TO AMEND ITS WATER AND SEWER CERTIFICATES OF CONVENIENCE AND NECESSITY AND TO DECERTIFY A PORTION OF T&W WATER SERVICE'S CCN NO. 12892 AND SC UTILITIES' CCN NO. 20586 IN MONTGOMERY COUNTY, TEXAS

Stanley Lake Mud has filed an application with the Public Utility Commission of Texas to amend its Certificates of Convenience and Necessity (CCN) Nos. 11222 (water) and 20483 (sewer) and to decertify a portion of T&W Water Service's CCN No. 12892 and SC Utilities' CCN No. 20586 in Montgomery County, Texas

The requested area is located approximately 1.5 miles east of downtown Montgomery, Texas, and is generally bounded on the north by Lake Conroe; on the east by Lake Conroe; on the south by Martin Creek; and on the west by Farm to Market 2854. The requested area consists of approximately 739 total acres including 9 acres decertified from T&W Water Service and 9 acres from decertified from SC Utilities, and 6 current customers. **A copy of the requested service area map may be viewed at: 875 Lake View Drive, Montgomery, TX 77356, 936-582-1010.**

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.

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In addition, the landowner must also send a copy of the optout 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



PUBLISHER'S AFFIDAVIT
DOCKET NO. 48250

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 _____, 2018,
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 _____