



Control Number: 49190



Item Number: 4

Addendum StartPage: 0

DOCKET NO. 49190

APPLICATION OF VALLEY RANCH	§	PUBLIC UTILITY COMMISSION
MUNICIPAL UTILITY DISTRICT NO. 1	§	
FOR A SEWER CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY AND	§	
TO DECERTIFY A PORTION OF	§	
PORTER MUNICIPAL UTILITY	§	
DISTRICT'S SEWER SERVICE AREA	§	
IN MONTGOMERY COUNTY	§	

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

I. BACKGROUND

On February 7, 2019, Valley Ranch Municipal Utility District No. 1 (Valley Ranch MUD 1), filed an application with the Public Utility Commission of Texas (Commission) for a new sewer Certificate of Convenience and Necessity (CCN) and to decertify a portion of Porter Municipal Utility District's CCN number 20573 in Montgomery County pursuant to Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(l).

Valley Ranch MUD 1 is already providing retail sewer service to the requested area within its boundaries, which is currently certificated to Porter MUD. Valley Ranch MUD 1 has received two requests for service from the Signorelli Company for property outside the district owned by Signorelli Company. In response to Order No. 1, issued on February 20, 2019, Valley Ranch MUD 1 filed a supplement to the application on March 4, 2019.

Order No. 1 also required Staff to file a recommendation on administrative completeness and proposed notice by March 7, 2019. Therefore, this pleading is timely filed.

II. APPLICATION SUFFICIENCY RECOMMENDATION

As detailed in the attached memorandum of Greg Charles in the Commission's Water Utility Regulation Division, Staff has reviewed the application and Valley Ranch MUD 1's supplemental information, and determined that it is sufficient. Therefore, Staff recommends that the application be deemed administratively complete and accepted for filing

III. PROPOSED NOTICE

Staff has included notice for Valley Ranch MUD 1 to provide that meets the requirements of 16 Texas Administrative Code (TAC) § 24.235. Pursuant to 16 TAC § 24.235(a)(4), Valley Ranch MUD 1 should include a map with each notice, except for publication of notice, showing the proposed service area to be serviced.

Staff recommends that Valley Ranch MUD 1 be directed to provide the attached notice to any cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles of the outer boundary of the requested area to be serviced. As required by 16 TAC § 24.235(b)(1), Staff also recommends that Valley Ranch MUD 1 provide notice to the county judge of each county wholly or partially included within the requested area, and each groundwater conservation district wholly or partially included within the proposed area. The attached memorandum includes a non-exhaustive list of entities to whom Valley Ranch MUD 1 should issue notice. Additionally, Staff recommends that Valley Ranch MUD 1 publish approved notice once each week for two consecutive weeks in a newspaper of general circulation in Montgomery County, as required by 16 TAC § 24.235(c).

After Valley Ranch MUD 1 has completed issuance of such notice and in accordance with 16 TAC § 24.235(b) and (c), Staff recommends that Valley Ranch MUD 1 file within 30 days of the latest date of notice a copy of the actual notice sent, including attachments. Valley Ranch MUD 1 should include with its notice filing the attached affidavits, completed and signed, affirming that such notice was issued and listing each entity and person to whom notice was issued.

IV. PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes the following procedural schedule:

Event	Date
Deadline for Valley Ranch MUD 1 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	April 22, 2019
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Valley Ranch MUD 1's 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 respectfully recommends that Valley Ranch MUD 1's application be deemed administratively complete, their notice be found sufficient, and the proposed procedural schedule be adopted.

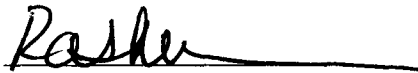
Dated: March 7, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney



Rashmin J. Asher
State Bar No. 24092058
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7216
(512) 936-7268 (facsimile)
Rashmin.Asher@puc.texas.gov

DOCKET NO. 49190

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 7, 2019, in accordance with 16 Texas Administrative Code § 22.74.



Rashmin J. Asher

PUC Interoffice Memorandum

To: Rashmin Asher, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Greg Charles, Staff Engineer
Water Utility Regulation Division

Date: March 7, 2019

Subject: **Docket 49190**, *Application of Valley Ranch Municipal Utility District No. 1 for a Sewer Certificate of Convenience and Necessity (CCN) and to Decertify a Portion of Porter Municipal Utility District's Sewer Service Area in Montgomery County*

On February 7, 2019, Valley Ranch Municipal Utility District (MUD) No. 1 filed with the Public Utility Commission of Texas (Commission) an application to obtain a sewer CCN and to decertify a portion of Porter MUD's sewer service area in Montgomery County, Texas pursuant to Texas Water Code Ann. (TWC) §§ 13.242 to 13.250 and the 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

Staff has reviewed the information filed by the Applicant, and 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) Any affected customers, and other affected parties in the requested area; and
 - e) 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 entities:
 - Crystal Springs Water Co Inc. (CCN No. 20906)
 - East Montgomery County Improvement District
 - Lone Star GCD
 - Montgomery County Judge
 - Montgomery County MUD 56
 - Montgomery County MUD 83
 - Montgomery County MUD 84
 - Montgomery County MUD 96
 - New Caney MUD (CCN No. 20575)
 - Porter MUD (CCN No 20573)
 - Porter SUD
 - San Jacinto River Authority

- Southeast Montgomery County MUD 1
 - White Oak Developers Inc. (CCN No. 20859)
 - Woodridge MUD
- 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's web site located at <http://www14.tceq.texas.gov/iwud/>
- 4) 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 for Publication

NOTICE OF APPLICATION TO OBTAIN A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY SERVICE IN MONTGOMERY COUNTY, TEXAS

Valley Ranch Municipal Utility District No. 1 has filed an application with the Public Utility Commission of Texas to obtain a Certificate of Convenience and Necessity (CCN) to provide retail sewer utility service, and to decertify a portion of Porter MUD's CCN No. 20573 in Montgomery County.

The requested area is located approximately 1 mile northwest of downtown Porter, Texas, and is generally bounded on the north by Texas 99; on the east by US 59; on the south by FM 1314; and on the west by White Oak Drive and Valley Ranch Parkway. The total requested area includes approximately 830 acres and 943 current customers.

The requested area overlaps the boundaries of the Porter MUD. If Porter MUD does not request a public hearing, the Commission shall determine that the district is consenting to Valley Ranch MUD's request to provide retail sewer utility service in the requested area.

A copy of the map showing the requested area is available at: 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027

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 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.

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

Notice to Neighboring Systems, Landowners, Customers and Cities

**NOTICE OF APPLICATION TO OBTAIN A CERTIFICATE OF CONVENIENCE AND NECESSITY TO
PROVIDE SEWER UTILITY SERVICE IN MONTGOMERY COUNTY, TEXAS**

To: _____

Date Notice Mailed: _____, 2019

(Neighboring System, Landowner, Customer or City)

(Address)

(City State Zip)

Valley Ranch Municipal Utility District No. 1 has filed an application with the Public Utility Commission of Texas to obtain a Certificate of Convenience and Necessity (CCN) to provide retail sewer utility service, and to decertify a portion of Porter MUD's CCN No. 20573 in Montgomery County.

The requested area is located approximately 1 mile northwest of downtown Porter, Texas, and is generally bounded on the north by Texas 99; on the east by US 59; on the south by FM 1314; and on the west by White Oak Drive and Valley Ranch Parkway. The total requested area includes approximately 830 acres and 943 current customers. **See enclosed map showing the requested area.**

The requested area overlaps the boundaries of the Porter MUD. If Porter MUD does not request a public hearing, the Commission shall determine that the district is consenting to Valley Ranch MUD's request to provide retail sewer utility service in 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.

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.

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

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES

DOCKET NO. **49190**

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 _____

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT

DOCKET NO. **49190**

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 _____