



Control Number: 49280



Item Number: 12

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PETITION OF PREVILLAGE, LLC TO § PUBLIC UTILITY COMMISSION
AMEND HMW SPECIAL UTILITY §
DISTRICT'S WATER CERTIFICATE § PUBLIC UTILITY COMMISSION
OF CONVENIENCE AND NECESSITY § OF TEXAS
IN HARRIS COUNTY BY EXPEDITED § FILING CLERK
RELEASE §

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

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 2, files this Supplemental Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed sufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On March 1, 2018, Previllage, LLC (Previllage), filed a petition for expedited release of approximately 50 acres from HMW Special Utility District's (HMW) water Certificate of Convenience and Necessity (CCN) No. 10342, in Harris County, under Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(I). In that petition, Previllage asserted that the land at issue comprises at least 25 contiguous acres and is not receiving water service from HMW.

On April 24, 2019, the Administrative Law Judge (ALJ) issued Order No. 2, finding the petition incomplete and granting Previllage until May 22, 2019, to cure the deficiencies; namely, (i) submitting proof that a copy of the petition was sent via certified mail to HMW, and (ii) correcting an error so that the county named in the petition corresponds with the one listed in the map. The ALJ also gave Staff until June 5, 2019, to file a supplemental recommendation regarding administrative completeness, along with a proposed procedural schedule; therefore, this pleading is timely filed.

On May 3, 2019, Previllage filed a supplemental petition, which cured the deficiencies.¹

¹ See generally Item No. 11 in this matter on the PUC Interchange.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Jolie Mathis and Gary Horton in the Commission's Water Utility Regulation Division, Staff has reviewed the application and supplemental information filed by Previllage and recommends that it be found administratively complete and accepted for filing.

III. NOTICE SUFFICIENCY

Under 16 TAC § 24.245(l)(4)(A)(vi), the landowner must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition with the Commission.

Previllage states in its supplemental filing that it mailed a copy of its petition to the CCN holder, HMW, by certified mail on the day the petition was filed with the Commission. Previllage also included an affidavit attesting to this provision of notice to HMW. Accordingly, Staff recommends that the notice issued be found sufficient.

IV. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes that the below procedural schedule be used. Under TWC § 13.254(a-6), there is an expedited statutory deadline of 60 days for approval that begins once the ALJ issues an order finding an application administratively complete. Therefore, Staff requests that the ALJ populate the following deadlines accordingly when the ALJ issues that order:

Event	Date
Order regarding administrative completeness of the Petition	Date of Order
Deadline for HMW and/or intervenors to file a response to the administratively complete Petition	Seven (7) days from date of the Order deeming the Petition administratively complete
Deadline for Commission Staff's recommendation on final disposition	Seven (7) days from the deadline for HMW and/or intervenors to file a response

Deadline for Previllage to file a reply to both HMW's response and Commission Staff's recommendation on final disposition ²	Seven (7) days from the deadline for Commission Staff to file its final recommendation
Sixty (60) day administrative approval	Sixty (60) days from the Order deeming the petition administratively complete

V. CONCLUSION

For the reasons detailed above, Staff respectfully requests that an order be issued that (1) finds Previllage's petition to be administratively complete and its notice sufficient and (2) adopts the above proposed procedural schedule.

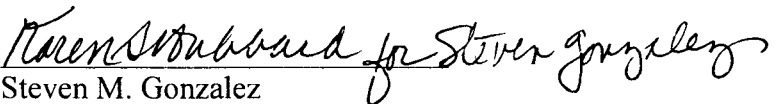
Dated: June 3, 2019

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney



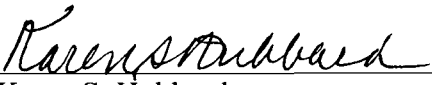
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² Staff notes that such a reply must be limited to briefing and argument. Submission of any additional proof will be deemed a new petition.

DOCKET NO. 49280

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on June 3, 2019,
in accordance with 16 TAC § 22.74.



Karen S. Hubbard

PUC Interoffice Memorandum

To: Steven Gonzalez, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Jolie Mathis, Engineering Specialist
Gary Horton, GIS Specialist
Water Utility Regulation Division

Date: May 30, 2019

Subject: **Docket No. 49280:** *Petition of Previllage, LLC, to Amend HMW Special Utility District's Water Certificate of Convenience and Necessity in Harris County by Expedited Release*

On March 1, 2019, Previllage, LLC (Previllage or Petitioner), filed an application for expedited release from HMW Special Utility District's (HMW SUD) water Certificate of Convenience and Necessity (CCN) No. 10342 in Harris County, under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(l). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Harris County which is a qualifying county.

The Petitioner submitted adequate maps delineating the requested area for expedited release with enough detail to confirm the accurate positioning of its digital data pursuant to 16 TAC § 24.257 (formerly 16 TAC § 24.119). The map and digital data are sufficient for determining the locations of the requested release areas within HMW SUD's certificated area. Mapping Staff was able to confirm the acreage of the subject properties, and determined that the requested areas are located within HMW SUD's water CCN. Furthermore, the Petitioner provided warranty deeds confirming the Petitioner's ownership of the tracts of land within HMW SUD's certificated area. In addition, the Petitioner submitted a sworn affidavit attesting that the property was not receiving water from the CCN holder. The area being requested for expedited release is approximately 51 acres.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to HMW SUD on the date the petition was filed with the Commission.

Staff has reviewed the information provided by the Petitioner and recommends the petition be deemed administratively complete and accepted for filing.