



Control Number: 49280



Item Number: 3

Addendum StartPage: 0

RECEIVED
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**

§
§
§
§
§
§

MAR 23 PM 2:15
PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

**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 application be deemed deficient and that the applicant be ordered to address the identified deficiencies. 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 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(1). 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.

On March 5, 2019, the Administrative Law Judge issued Order No. 1, setting a deadline of April 1, 2019, for Staff to file comments on the administrative completeness of the application, the sufficiency of the proposed notice, and to propose a procedural schedule. This pleading is therefore timely filed.

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 recommends that it be found administratively incomplete. Staff recommends that Previllage be ordered to cure the deficiencies identified in Ms. Mathis and Mr. Horton's memorandum by May 1, 2019, and that Staff be given a deadline of May 31, 2019, to file a supplemental recommendation

on the administrative completeness of the application. Staff notes that Previllage should not issue notice until the application is found administratively complete.

III. COMMENTS ON PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of this docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation for application sufficiency.

IV. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be found administratively incomplete at this time and that Previllage be ordered to file a supplement addressing the identified deficiencies in the application by May 1, 2019.

Dated: March 28, 2019

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney



Steven M. Gonzalez
State Bar No. 24109210
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7228
(512) 936-7268 (facsimile)
Steven.Gonzalez@puc.texas.gov

DOCKET NO. 49280

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 28, 2019, in accordance with 16 TAC § 22.74.

A handwritten signature in black ink, appearing to read 'SG', is written over a horizontal line.

Steven M. Gonzalez

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: March 27, 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.

Staff has reviewed the petition and recommends that it be deemed insufficient for filing and administratively incomplete due to the deficiencies detailed below.

- 1) Proof that a copy of the petition was sent via certified mail to HMW SUD.