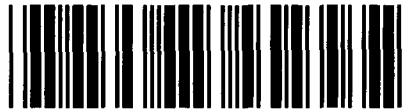


Control Number: 49312



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Addendum StartPage: 0

DOCKET NO. 49312

APPLICATION OF QUADVEST, L.P.  
TO AMEND A WATER CERTIFICATE  
OF CONVENIENCE AND NECESSITY  
IN MONTGOMERY COUNTY

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§

RECEIVED  
2019 MAY 20 11:45  
PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK

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

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

**I. BACKGROUND**

On March 11, 2019, Quadvest, L.P. (Quadvest) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11612 in Montgomery County, Texas. The requested area includes approximately 92 acres and currently has no customers.

On April 8, 2019, the Commission Administrative Law Judge (ALJ) issued Order No. 2, finding the application incomplete and deficient and requiring Quadvest to file a supplement to cure the application deficiencies by May 10, 2019. Quadvest filed supplemental information on April 22, 2019.

Order No. 2 also directed Staff to file a supplemental recommendation on the administrative completeness of the application and to propose a procedural schedule for further processing of the application by June 10, 2019. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum from Roshan Pokhrel of the Commission's Water Utility Regulation Division, Staff has reviewed the application and supplemental information filed by Quadvest and recommends that it be found administratively complete and accepted for filing.

### **III. NOTICE**

As detailed in the attached memorandum, Staff recommends that Quadvest proceed with providing public notice. Specifically, Staff recommends that Quadvest be directed to use the attached *Notice for Publication* form to publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery County. Staff further recommends that Quadvest be directed to use the attached *Notice to Neighboring Systems, Customers and Cities* form to complete the following actions:

- 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;
  - d) any affected customers, and other affected parties in the requested area.
- 2) Provide correct notice of the application to the following:
  - Aqua Texas Inc.(CCN No. 13203)
  - City of Conroe (CCN No. 10339)
  - Crystal Springs Water Co Inc.(CCN No. 11373)
  - Lone Star GCD
  - Montgomery County Judge
  - San Jacinto River Authority
  - Town of Cut and Shoot (CCN No. 11615)
- 3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, landowners, and customers.
- 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.

### **IV. PROCEDURAL SCHEDULE**

Staff recommends the application be found administratively complete. Staff, therefore, proposes the following procedural schedule:

Event	Date
Deadline for Quadvest 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:	July 24, 2019
Deadline for Staff to file a recommendation on sufficiency of notice:	Within 10 days of Quadvest filing proof of completed notice with the Commission.
Deadline to intervene:	Thirty (30) days after notice is issued.

## V. CONCLUSION

For the reasons detailed above, Staff recommends that the application, as supplemented, be found administratively complete; that Quadvest be directed to provide notice as detailed above and in the attached memorandum; and that the above proposed procedural schedule be adopted.

Dated: May 29, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



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Steven M. Gonzalez  
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(512) 936-7228  
(512) 936-7268 (facsimile)  
Steven.Gonzalez@puc.texas.gov

**DOCKET NO. 49312**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on May 29, 2019, in accordance with 16 TAC § 22.74.



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Steven M. Gonzalez

## PUC Interoffice Memorandum

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**To:** Steven Gonzalez, Attorney  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**From:** Roshan Pokhrel, Engineering Specialist  
Water Utility Regulation Division

**Date:** May 23, 2019

**Subject:** **Docket No. 49312**, *Application of Quadvest, L.P., to Amend Its Water Certificate of Convenience and Necessity (CCN) in Montgomery County*

On March 11, 2019, Quadvest, L.P. (Quadvest or Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11612 and to decertify a portion of the City of Cut and Shoot's CCN No. 11615 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 additional information filed by the Applicant on April 22, 2019, 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;
  - 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:
  - Aqua Texas, Inc. (CCN No. 13203)
  - City of Conroe (CCN No. 10339)
  - Crystal Springs Water Co., Inc. (CCN No. 11373)
  - Lone Star GCD
  - Montgomery County Judge
  - San Jacinto River Authority
  - Town of Cut and Shoot (CCN No. 11615)
- 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.

#### **Technical Review**

The Applicant submitted plans and specifications for the water system to Texas Commission on Environmental Quality (TCEQ) on March 4, 2019. The Applicant should supplement the application filing with a copy of the TCEQ's approval letter once it is received. The approval letter must be on file prior to Staff's making a final recommendation on the application.

*Please note:* Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to the Applicant. The Applicant will have 20 days from the receipt of the RFI to respond, unless additional time is requested by the Applicants.

***Notice for Publication***

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

Quadvest, L.P has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 11612 and to decertify a portion of the Town of Cut and Shoot's CCN No. 11615 for the provision of retail water utility service in Montgomery County.

The requested area is located approximately 2 miles southwest of downtown Cut and Shoot, Texas, and is generally bounded on the north by Lakewood Drive; on the east by FM 1485; on the south by Henry Harris Road; and on the west by Lakewood Drive. The total requested area includes approximately 92 acres and 0 current customers.

**A copy of the map showing the requested area is available at: 26926 FM 2978, Magnolia, TX 77354**

*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.

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

***Notice to Neighboring Systems, Customers and Cities***

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

To: \_\_\_\_\_  
(Neighboring System, Customer or City)

Date Notice Mailed: \_\_\_\_\_, 2019

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City State Zip)

Quadvest, L.P has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 11612 and to decertify a portion of the Town of Cut and Shoot's CCN No. 11615 for the provision of retail water utility service in Montgomery County.

The requested area is located approximately 2 miles southwest of downtown Cut and Shoot, Texas, and is generally bounded on the north by Lakewood Drive; on the east by FM 1485; on the south by Henry Harris Road; and on the west by Lakewood Drive. The total requested area includes approximately 92 acres and 0 current customers. **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.*

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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. 49312

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 \_\_\_\_\_

# PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT  
DOCKET NO. 49312

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 \_\_\_\_\_