



Control Number: 49551



Item Number: 20

Addendum StartPage: 0

DOCKET NO. 49551

APPLICATION OF QUADVEST, L.P.	§	PUBLIC UTILITY COMMISSION
TO AMEND ITS CERTIFICATES OF	§	
CONVENIENCE AND NECESSITY	§	OF TEXAS
AND TO DECERTIFY PORTIONS OF	§	
AQUA TEXAS INC.'S SERVICE	§	
AREAS IN MONTGOMERY COUNTY	§	
	§	

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Recommendation on Sufficiency of Notice. In support thereof, Staff shows the following:

I. BACKGROUND

On May 21, 2019, Quadvest, L.P. (Quadvest), filed an application to amend water Certificates of Convenience and Necessity (CCN) No. 11612 and sewer CCN No. 20952, and to decertify portions of Aqua Texas Inc.'s service area in Montgomery County pursuant to Texas Water Code Ann. (TWC) §§ 13.242 to 13.250 and the 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

On August 9, 2019, the Administrative Law Judge (ALJ) issued Order No. 3, finding the application administratively complete and directing Quadvest "to provide notice of the application, using the forms, and as described in the memorandum of Patricia Garcia, dated August 8, 2019." Furthermore, the ALJ established a deadline of September 23, 2019 for Quadvest to file proof of notice. The ALJ also established a deadline of 10 days from Quadvest filing of proof of completed notice with the Commission for Staff to file a recommendation on sufficiency of notice. Quadvest filed its proof of notice on September 19, 2019. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON SUFFICIENCY OF NOTICE

Staff has reviewed Quadvest's submitted proof of notice and finds it deficient. Specifically, Quadvest did not include three neighboring entities on their notice list: Montgomery County MUD 46, Montgomery County MUD 136, and Montgomery County MUD 137. As such, Staff is unaware if Quadvest actually provided notice to the following systems. Furthermore, it appears that Quadvest did not provide notice using the forms provided by Staff.

The highlighted portions of the Staff's forms for notice filed on August 9, 2019 (Attachment A to this pleading) represent differences between Quadvest's published notice filed on September 19, 2019. Staff recommends that Quadvest be ordered to provide publication notice using attached *Notice for Publication* form (Attachment B to this pleading) to publish notice once each week for two consecutive weeks in a newspaper of general circulation in Montgomery County. Staff further recommends that Quadvest be directed to use the attached *Notice to Landowners, Neighboring Systems, and Cities* form to provide notice to Montgomery County MUD 46, Montgomery County MUD 136, and Montgomery County MUD 137.

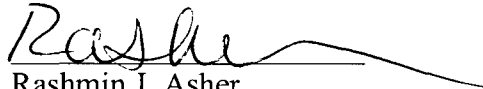
III. CONCLUSION

Staff respectfully requests entry of an order consistent with the above discussion.

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Rachelle Nicolette Robles
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 September 26, 2019 in accordance with 16 TAC § 22.74.



Rashmin J. Asher

ATTACHMENT A

Notice for Publication

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

Quadvest, L.P. has filed an application with the Public Utility Commission of Texas to amend its Certificates of Convenience and Necessity (CCN) No. 11612 and CCN No. 20952 and to decertify a portion of Aqua Texas, Inc.'s CCN No. 13203 and CCN No. 21065 for the provision of retail water and sewer utility service in Montgomery County.

The requested area is located approximately 3 miles north of downtown Tomball, TX, and is generally bounded on the north by Hardin Store Road and Shady Lane; on the east by FM 2978; on the south by Neidigk Lake and Seminole Street; and on the west by Mill Creek and Clint Neidigk Road. The total requested area includes approximately 208 acres and 0 current customers.

The requested area overlaps the boundaries of the San Jacinto River Authority. If the San Jacinto River Authority does not request a public hearing, the Commission shall determine that the district is consenting to Quadvest, L.P.'s request to provide retail water and sewer utility service in the requested area.

A copy of the map showing the requested area is available at: 26926 FM 2978, Magnolia, Texas 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.

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. Staff may request additional information regarding your request.

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

Notice to Neighboring Systems, Landowners, Customers and Cities

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

To: _____
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: _____, 201__

(Address)

(City State Zip)

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PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 49551

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.

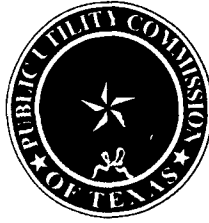
Subscribed and sworn to before me this _____ day of _____, 20____, to certify which witness my hand and seal of office.

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. 49551

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 _____

ATTACHMENT B

Notice for Publication

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Notice to Neighboring Systems, Landowners, Customers and Cities

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To: _____
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: _____, 201__

(Address)

(City State Zip)

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PUBLIC UTILITY COMMISSION



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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. 49551

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 _____