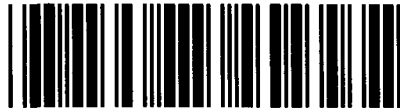


Control Number: 49826



Item Number: 8

Addendum StartPage: 0

DOCKET NO. 49826

APPLICATION OF C&R WATER
SUPPLY, INC. TO AMEND ITS
WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
MONTGOMERY COUNTY

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PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

**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 files this Supplemental Recommendation on Administrative Completeness and Proposed Procedural Schedule, in response to Order No. 2. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On August 6, 2019, C&R Water Supply, Inc. (C&R Water) filed an application to amend water certificate of convenience and necessity (CCN) No. 13098 in Montgomery County. The requested service area consists of approximately 111 acres and contains one current customer. C&R Water has received a request for service from a developer for a future commercial industrial customer.

On September 6, 2019, the Administrative Law Judge (ALJ) issued Order No. 2 deeming the application administratively incomplete and setting a deadline of October 4, 2019, for C&R Water to supplement the application to cure the deficiencies. On October 8, 2019, C&R Water requested an extension of the deadline to supplement the application. The ALJ granted the extension in Order No. 3 issued on October 9, 2019, and set November 20, 2019, as the deadline for Staff to file a supplemental recommendation regarding administrative completeness, along with a proposed procedural schedule. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Patricia Garcia in the Commission's Infrastructure Division, Staff has reviewed the application and supplemental information filed by C&R Water and recommends that it be found administratively complete and accepted for filing.

III. NOTICE

At this time, Staff recommends that C&R Water proceed with providing public notice to all persons, political subdivisions, and other entities listed in the attached memorandum using the notices provided by Ms. Garcia.¹ Along with each individual notice, Staff recommends that C&R Water provide an accurate map delineating the requested service area. Staff also recommends that C&R Water publish notice once each week for two consecutive weeks in a newspaper of general circulation in Montgomery County.

Within 30 days of the provision of notice, Staff recommends that C&R Water file proof of notice as described in the attached memorandum and proof of newspaper publication. Finally, it is recommended that C&R Water use the attached affidavits to meet these requirements.

IV. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for C&R Water 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	December 20, 2019
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of C&R Water 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 recommends that the application be found administratively complete, that C&R Water be directed to provide notice as detailed above and in the attached memorandum, and that the proposed procedural schedule be adopted.

¹ Staff has uploaded the notices to the PUC Interchange as native files, so C&R Water does not have to recreate them.

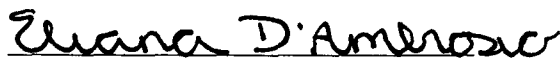
Dated: November 20, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director


Karen S. Hubbard
Managing Attorney



Eleanor D'Ambrosio
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1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7021
(512) 936-7268 (facsimile)
Eleanor.Dambrosio@puc.texas.gov

**DOCKET NO. 49826
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on November 20, 2019, in accordance with 16 Texas Administrative Code § 22.74.


Eleanor D'Ambrosio

PUC Interoffice Memorandum

To: Eleanor D'Ambrosio, Attorney
Legal Division

Thru: Heidi Graham, Manager
Infrastructure Division

From: Patricia Garcia, Engineering Specialist
Infrastructure Division

Date: November 20, 2019

Subject: **Docket 49826**, *Application of C&R Water Supply, Inc. to Amend its Water Certificate of Convenience and Necessity in Montgomery County*

On August 6, 2019, C&R Water Supply, Inc. (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 13098 in Montgomery County, Texas pursuant to Texas Water Code §§ 13.242 to 13.250 and 16 Texas Administrative Code §§ 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;
 - d) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the requested area to be certified. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the requested area is located;
 - e) any affected customers, and other affected parties in the requested area; and
 - f) 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:
 - City of Conroe (CCN No. 10339)
 - Domestic Water Company (CCN No. 10348)
 - Monarch Utilities I LP (CCN No. 12983)
 - T & W Water Service Company (CCN No. 12892)
 - Woodland Hills Water LLC (CCN No. 12388)
 - Lone Star Groundwater Conservation District
 - San Jacinto River Authority
 - Texas National MUD

- Montgomery County Judge

- 3) Provide an accurate map delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners 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 AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY TO
PROVIDE WATER UTILITY SERVICE IN MONTGOMERY COUNTY, TEXAS**

C & R Water Supply, Inc. has filed an application with the Public Utility Commission of Texas to amend its water Certificate of Convenience and Necessity (CCN) No. 13098 for the provision of retail water utility service in Montgomery County.

The requested area is located approximately 4 miles southeast of downtown Willis, Texas, and is generally bounded on the north by Camp Creek & Rose Road; on the east by Kitty's Lane; on the south by FM 2432; and on the west by Pioneer Trace Drive. The total requested area includes approximately 111 acres and 1 current customer.

The requested area overlaps the boundaries of the San Jacinto River Authority. If San Jacinto River Authority does not request a public hearing, the Commission shall determine that the district is consenting to the C & R Water Supply, Inc.'s request to provide retail water utility service in the requested area.

A copy of the map showing the requested area is available at: 114 S. Danville, Willis, TX 77378

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

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

Date Notice Mailed: _____, 201__

(Address)

(City State Zip)

C & R Water Supply, Inc. has filed an application with the Public Utility Commission of Texas to amend its water Certificate of Convenience and Necessity (CCN) No. 13098 for the provision of retail water and sewer utility service in Montgomery County.

The requested area is located approximately 4 miles southeast of downtown Willis, Texas, and is generally bounded on the north by Camp Creek & Rose Road; on the east by Kitty's Lane; on the south by FM 2432; and on the west by Pioneer Trace Drive. The total requested area includes approximately 111 acres and 1 current customer. **See enclosed map showing the requested area.**

The requested area overlaps the boundaries of the San Jacinto River Authority. If San Jacinto River Authority does not request a public hearing, the Commission shall determine that the district is consenting to the C & R Water Supply, Inc.'s request to provide retail water utility service in the requested area.

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Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 49826

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. 49826

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 _____