



Control Number: 49834



Item Number: 10

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**DOCKET NO. 49834**

**APPLICATION OF QUADVEST, L.P.  
TO AMEND ITS SEWER  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN LIBERTY  
COUNTY**

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**PUBLIC UTILITY COMMISSION-2  
OF TEXAS**

2019 SEP 10 AM 9:07

**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 8, 2019, Quadvest, L.P. (Quadvest) filed an application to amend its sewer certificate of convenience and necessity (CCN) No. 20952 in Liberty County. The requested area consists of approximately 43 acres and zero current customers, and Quadvest has received a request for service for a development that will include 83 connections.

Order No. 2 issued on September 10, 2019, required Staff to file a recommendation on administrative completeness by November 8, 2019. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum from Elisabeth English in the Commission's Infrastructure Division, Staff has reviewed the application and supplemental information filed by Quadvest and recommends that it be found administratively complete and accepted for filing. Quadvest has provided proof that it has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment to its wastewater permit application for an increase in flow. Quadvest has not yet received TCEQ approval for the wastewater permit amendment, which is required for final approval of this application. However, the information provided in Quadvest's application is sufficient for Staff to recommend that the application be found

administratively complete. If Quadvest has not submitted proof of TCEQ approval within a reasonable time, Staff will move for this docket to be dismissed without prejudice.

### **III. NOTICE**

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

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

### **IV. PROPOSED PROCEDURAL SCHEDULE**

Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
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	December 9, 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	30 days after notice is issued

### **IV. CONCLUSION**

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

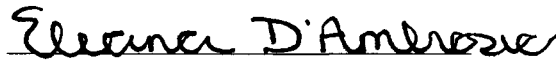
Dated: November 8, 2019

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. 49834  
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on November 8, 2019, in accordance with 16 Texas Administrative Code § 22.74.

  
Eleanor D'Ambrosio

## PUC Interoffice Memorandum

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**To:** Eleanor D'Ambrosio, Attorney  
Legal Division

**Thru:** Heidi Graham, Manager  
Infrastructure Division

**From:** Elisabeth English, Engineering Specialist  
Infrastructure Division

**Date:** November 8, 2019

**Subject:** **Docket No. 49834:** *Application of Quadvest, L.P. to Amend its Sewer Certificate of Convenience and Necessity in Liberty County*

On August 8, 2019, Quadvest L.P. (Quadvest) filed an application to amend its sewer Certificate of Convenience and Necessity (CCN) No. 20952 in Liberty County. Quadvest's application is being reviewed pursuant to Texas Water Code (TWC) §§ 13.242-13.250 and 16 Texas Administrative Code (TAC) §§ 24.225-24.237.

Quadvest seeks to amend its sewer CCN to include approximately 43 acres for the provision of retail sewer utility service to the Royal Vista Subdivision. The developer, Royal Quest, Ltd., requested water and wastewater service from Quadvest on April 2, 2019. The planned subdivision has 83 residential lots. Sewer service will be provided by Quadvest via an existing sewer treatment facility adjacent to the Royal Vista development. The existing system is serving the Bella Vista subdivision via a Texas Commission on Environmental Quality (TCEQ) wastewater permit (WQ-0015061001).

Staff recommends the application be deemed administratively complete, and further recommends that Quadvest 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; and
  - 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; and
  - e) 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 Liberty County.

2) Provide correct notice of the application to the following:

- Liberty Lakes FWSD 1
- San Jacinto River Authority
- Tarkington SUD
- Liberty County Judge

3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, landowners, and customers. Information related to districts including addresses can be obtained from the TCEQ 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 Quadvest use the attached notices and affidavits to meet these requirements.

#### **Further Consideration**

As an attachment to their application Quadvest included a document pertaining to a TCEQ wastewater permit renewal. The document states that Quadvest is seeking an increased flow capacity that must be processed as a major amendment application. Quadvest must supplement their application with the TCEQ approvals for the proposed permit renewal and major amendment request once they have been received.

**Notice for Publication**

NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE SEWER UTILITY SERVICE IN LIBERTY 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. 20952 for the provision of retail sewer utility service in Liberty County.

The requested area is located approximately 3.5 miles northeast of downtown Plum Grove, TX, and is generally bounded on the north by Royal Drive; on the east by County Road 3371/ Plum Tree; on the south by County Road 3401; and on the west by FM 1010/ Plum Grove Road.

The requested area includes approximately 43 total 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.

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 SEWER UTILITY SERVICE IN LIBERTY COUNTY, TEXAS**

To: \_\_\_\_\_  
(Neighboring System, Landowner, Customer or City)  
  
\_\_\_\_\_  
(Address)  
  
\_\_\_\_\_  
(City                      State                      Zip)

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

Quadvest L.P. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 20952 for the provision of retail sewer utility service in Liberty County.

The requested area is located approximately 3.5 miles northeast of downtown Plum Grove, TX, and is generally bounded on the north by Royal Drive; on the east by County Road 3371/ Plum Tree; on the south by County Road 3401; and on the west by FM 1010/ Plum Grove Road.

The requested area includes approximately 43 total acres and 0 current customers.

**See enclosed map showing the requested area.**

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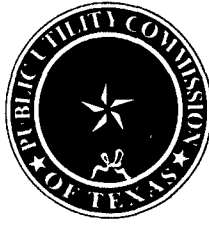
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# PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING  
UTILITIES AND AFFECTED PARTIES  
DOCKET NO. 49834

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.

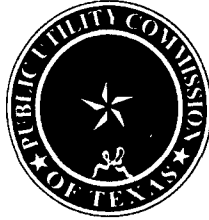
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
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. 49834

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 \_\_\_\_\_