

Control Number: 49924



Item Number: 11

Addendum StartPage: 0

RECEIVED

PETITION OF MAPLE HEIGHTS §
DEVELOPMENT LLC TO AMEND §
PORTER MUNICIPAL UTILITY §
DISTRICT'S SEWER CERTIFICATE §
OF CONVENIENCE AND §
NECESSITY IN MONTGOMERY §
COUNTY BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION: 58
OF TEXAS
UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S FINAL RECOMMENDATION

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

I. BACKGROUND

On August 30, 2019, Maple Heights Development LLC (Maple Heights) filed a petition for expedited release of approximately 211 acres of land within the boundaries of Porter Municipal Utility District (Porter MUD) sewer certificate of convenience and necessity number (CCN) No. 20573 in Montgomery County, under Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(I). Maple Heights asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Montgomery County, which is a qualifying county. Maple Heights filed supplemental information on October 24, 2019.

Porter MUD filed a request to intervene on October 11, 2019. On October 23, 2019, Order No. 3 was issued, granting Porter MUD's request to intervene.

On December 3, 2019, Order No. 4 was issued, establishing a deadline of December 17, 2019, for Staff to file a recommendation on the final disposition of the application. Therefore, this pleading is timely filed.

II. RECOMMENDATION

As supported by the attached memorandum of Roshan Pokhrel, Engineering Specialist of the Commission's Infrastructure Division, Division (Attachment A). Staff has reviewed the petition for expedited release and recommends that it be approved. The maps and digital data filed by Maple Heights provide adequate information to demonstrate that Maple Heights satisfies the requirements of TWC § 13.254(a-5) and 16 TAC § 24.245(I). Specifically, the petition

11

demonstrates that the property for which the Applicant seeks expedited release is located in a qualifying county (Montgomery County), is not receiving sewer service, and that the aggregated, contiguous tracts of land make up a single property that is at least 25 acres. In addition, the deeds submitted by Maple Heights provide confirmation of Maple Heights' ownership in the property. Consequently, Maple Heights has shown through its petition that it meets the requirements for expedited release.

Furthermore, Staff did not identify any property that would be rendered useless or valueless by the decertification. If the Commission determines that there is no useless or valueless property, pursuant to 16 TAC § 24.245(n)(7), Staff further recommends that a compensation proceeding is not necessary.

Therefore, Staff recommends that Maple Heights' petition be approved. The final sewer CCN map (Attachment B) and sewer CCN (Attachment C) are attached to this filing.

III. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that Maple Heights's petition be approved.

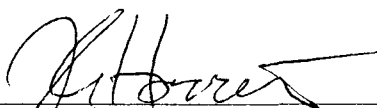
Dated: December 17, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Thomas S. Hunter
Division Director

Rachelle Nicolette Robles
Managing Attorney

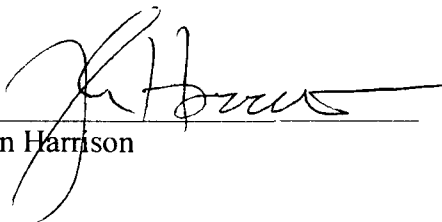


John Harrison
State Bar No. 24097806
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7277
(512) 936-7268 (facsimile)
John.Harrison@puc.texas.gov

DOCKET NO. 49924

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 17, 2019 in accordance with 16 TAC § 22.74.



John Harrison

PUC Interoffice Memorandum

To: John Harrison, Attorney
Legal Division

From: Roshan Pokhrel, Engineering Specialist
Infrastructure Division

Date: December 17, 2019

Subject: **Docket No. 49924:** *Petition of Maple Heights Development LLC to Amend Porter Municipal Utility District's Sewer Certificate of Convenience and Necessity in Montgomery County by Expedited Release*

On August 30, 2019, Maple Heights Development LLC (Petitioner) filed an application for expedited release from Porter Municipal Utility District's (Porter MUD) sewer Certificate of Convenience and Necessity (CCN) No. 20573 in Montgomery County, under Texas Water Code § 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 sewer service, and is located in Montgomery County, which is a qualifying county.

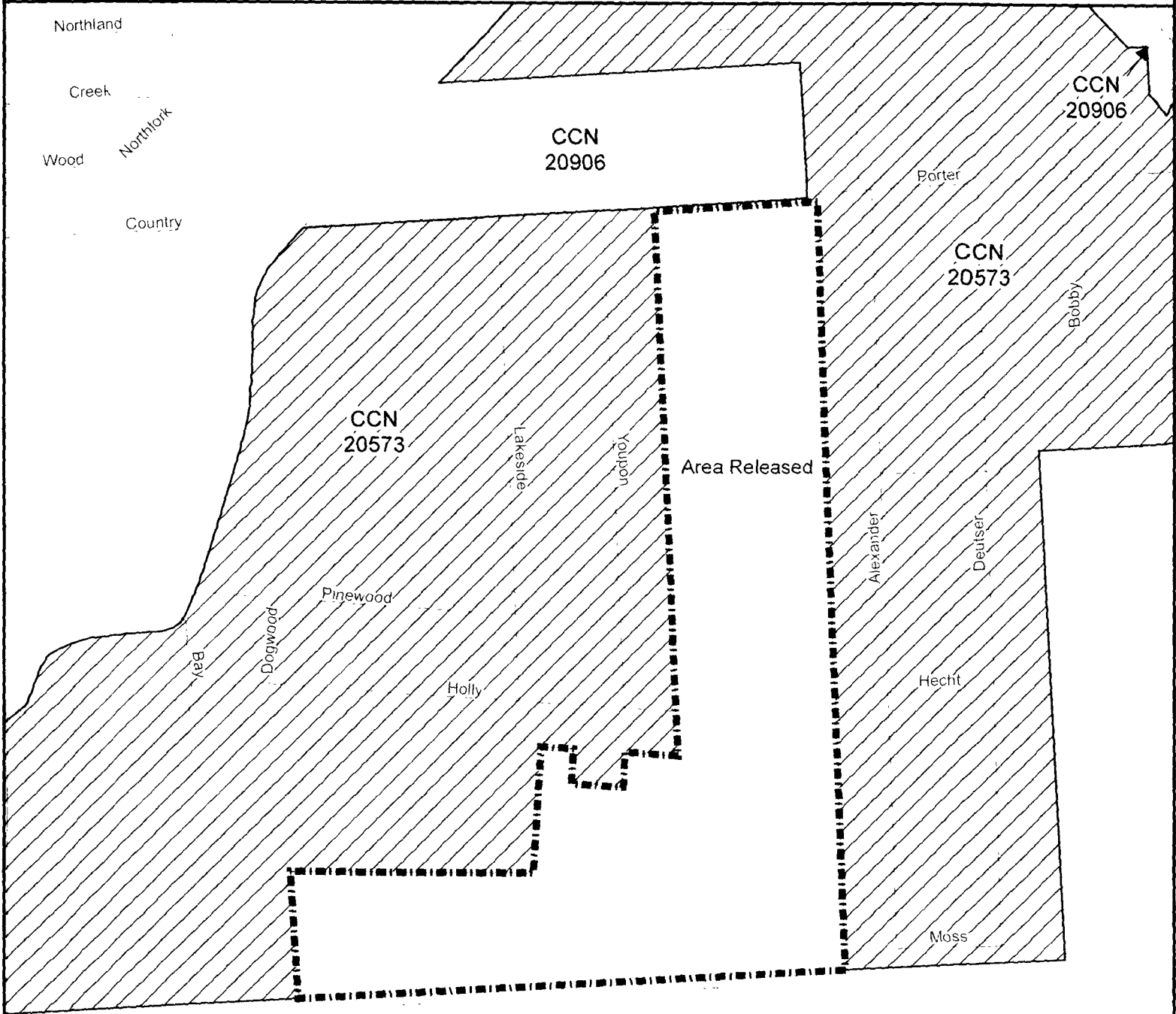
The Petitioner submitted adequate maps delineating the requested area for expedited release with enough detail to confirm the accurate positioning of its digital data pursuant to 16 TAC § 24.245(m). The map and digital data are sufficient for determining the locations of the requested release areas within Porter MUD's certificated area. Mapping Staff was able to confirm the acreage of the subject property and determined that the requested areas are located within Porter MUD's sewer CCN. Furthermore, the Petitioner provided warranty deeds confirming the Petitioner's ownership of the tracts of land within Porter MUD's certificated area. In addition, the Petitioner submitted a sworn affidavit attesting that the property was not receiving sewer service from the CCN holder. The area being requested for expedited release is approximately 204 acres.

Porter MUD requested to intervene on October 11, 2019 and the intervention was granted by the Administrative Law Judge on October 23, 2019. Staff recommends that there is no useless or valueless property. If the commission determines that there is no useless and valueless property, under 16 TAC § 24.245(n)(7), Staff further recommends that a compensation proceeding is not necessary.

In accordance with TWC § 13.254(a-5) and 16 TAC § 24.245(l), the Petitioners have met the Commission's requirements to allow for the release of the requested area from Porter MUD's CCN No. 20573. Therefore, Staff recommends approval of the petition. Enclosed is a final map and certificate for Commission approval.

Additionally, Staff recommends that a final map and certificate be provided to the CCN holder. In accordance with TWC §§ 13.257 (r)-(s), Staff further recommends that Porter MUD file the following information in the Montgomery County Clerk's office: (1) a certified copy of the CCN map; (2) a boundary description of the CCN service area.

Porter Municipal Utility District
 Portion of Sewer CCN No. 20573
 PUC Docket No. 49924
 Petition by Maple Heights Development, LLC to Amend
 Porter Municipal Utility District's CCN by Expedited Release in Montgomery County



SH 99

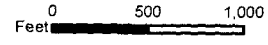


Public Utility Commission of Texas
 1701 N. Congress Ave
 Austin, TX 78701

Sewer CCN

- 20573 - Porter MUD
- 20906 - Crystal Springs Water Co Inc

- Area Decertified
- Property Boundary



Map by Komal Patel
 Date created
 December 5, 2019
 Project Path n\Finalmapping\
 49924PorterMUD.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That

Porter Municipal Utility District

having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Porter Municipal Utility District is entitled to this

Certificate of Convenience and Necessity No. 20573

to provide continuous and adequate sewer utility service to that service area or those service areas in Montgomery County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 49924 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Porter Municipal Utility District to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this _____ day of _____ 2019.