



Control Number: 49924



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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**

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PUBLIC UTILITY COMMISSION

OF TEXAS

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**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND PROPOSED NOTICE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Administrative Completeness and Proposed Notice in response to Order No. 1. Staff recommends that the application be deemed insufficient for further review. 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(l). 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.

On September 5, 2019, Order No. 1 was issued establishing a deadline of September 30, 2019, for Staff to file a recommendation on the administrative completeness of the application and notice and propose a procedural schedule for further processing of the application. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Roshan Pokhrel in the Commission's Infrastructure Division, Staff has reviewed the application and recommends that it be found administratively incomplete. Specifically, Staff has identified deficiencies in the application and

mapping information. Staff recommends that Maple Heights submit additional mapping and clarifying information, as further detailed in the attached memorandum.

III. COMMENTS ON PROCEDURAL SCHEDULE

Staff recommends that Maple Heights be ordered to cure the deficiencies identified in Mr. Pokhrel's memorandum by October 30, 2019, and that Staff be given a deadline of November 29, 2019, to file a supplemental recommendation on the administrative completeness of the application. Staff notes that Maple Heights should not issue notice until the application is found administratively complete.

IV. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be found administratively incomplete at this time and that Maple Heights be ordered to file a supplement addressing the identified deficiencies in the application by October 30, 2019.

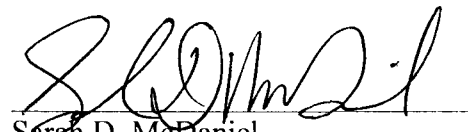
Dated: September 30, 2019

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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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 30, 2019, in accordance with 16 TAC § 22.74.


Sarah D. McDaniel

PUC Interoffice Memorandum

To: Sarah McDaniel, Attorney
Legal Division

Thru: Heidi Graham, Manager
Infrastructure Division

From: Roshan Pokhrel, Engineering Specialist
Infrastructure Division

Date: September 30, 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 sewer Certificate of Convenience and Necessity (CCN) No. 20573 in Montgomery County, under Texas Water Code (TWC) § 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 water service, and is located in Montgomery County, which is a qualifying county.

Staff has reviewed the petition and recommends that it be deemed insufficient for filing and administratively incomplete due to the deficiencies in mapping. The Commission's mapping staff has a concern about the correct location of the requested area. The acreage listed in the application is approximately 211 acres, while that of the digital data is approximately 203 acres. Furthermore, the Montgomery County Appraisal District has a different record for the property, as it shows a different property boundary for the southwest portion of the requested area. Staff also has a concern about the name of the Petitioner and the name of the landowner as they are not the same. The petitioner's name is Maple Heights Development, LLC. The landowner's name is North Houston Airport, LLC. The 'Deed of Trust' in the application doesn't seem to tie together Maple Heights and North Houston Airport, LLC. Instead, it mentions another entity named 3 Points Realty Partners Holdings, LLC.

In order to cure the deficiencies, Staff recommends that the Applicant provide the following information:

1. A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
2. A detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
3. Digital mapping data for the requested area, as a single polygon record, in shapefile (SPH) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet); OR metes and bounds survey sealed or embossed by either a licensed surveyor or a registered professional land surveyor.

4. Clarify, with supporting documentation, the relationship between Maple Heights Development, LLC; North Houston Airport, LLC; and 3 Points Realty Partners Holdings, LLC.