



Control Number: 49924



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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

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

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 2, files this Supplemental Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the petition be deemed sufficient 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) § 24.113(1). 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.

On October 10, 2019, Order No. 2 was issued, establishing a deadline of November 29, 2019, for Staff to file a supplemental 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.

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.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Roshan Pokhrel in the Commission's Infrastructure Division, Staff has reviewed the petition and supplemental information for expedited release and recommends that it be found administratively complete.

III. NOTICE SUFFICIENCY

Under 16 TAC § 24.245(l)(4)(A)(vi), the landowner must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition with the Commission.

Maple Heights state in its filing that it mailed a copy of its petition to the CCN holder, Porter MUD, by certified mail on the day the petition was filed with the Commission. Maple Heights also included an affidavit attesting to this provision of notice to Porter MUD. Accordingly, Staff recommends that the notice issued be found sufficient.

IV. PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes that the below procedural schedule be used. Under TWC § 13.254(a-6), there is an expedited statutory deadline of 60 days for approval that begins once the Administrative Law Judge (ALJ) issues an order finding an application administratively complete. Therefore, Staff requests that the ALJ adopt the following deadlines accordingly when the ALJ issues that order.

Event	Date
Order regarding administrative completeness of the Petition	Date of Order
Deadline for Porter MUD and/or intervenors to file a response to the administratively complete Petition	Seven (7) days from date of the Order deeming the Petition administratively complete
Deadline for Commission Staff's recommendation on final disposition	Seven (7) days from the deadline for Porter MUD and/or intervenors to file a response
Deadline for Maple Heights to file a reply to both Porter MUD's response and Commission Staff's recommendation on final disposition ¹	Seven (7) days from the deadline for Commission Staff to file its final recommendation
Sixty (60) day administrative approval	Sixty (60) days from the Order deeming the petition administratively complete

V. CONCLUSION

For the reasons detailed above, Staff respectfully requests that an order be issued that (1) finds Maple Heights's application to be administratively complete and its notice sufficient and (2) adopts the above proposed procedural schedule.

¹ Staff notes that such a reply must be limited to briefing and argument. Submission of any additional proof will be deemed a new petition.

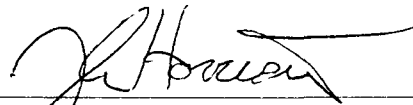
Dated: December 2, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Rachelle Nicolette Robles
Managing Attorney

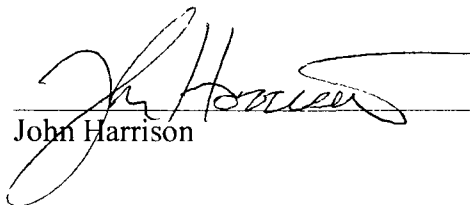


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 2, 2019, in accordance with 16 TAC § 22.74.



John Harrison

PUC Interoffice Memorandum

To: John Harrison, Attorney
Legal Division

Thru: Heidi Graham, Manager
Infrastructure Division

From: Roshan Pokhrel, Engineering Specialist
Infrastructure Division

Date: December 2, 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*

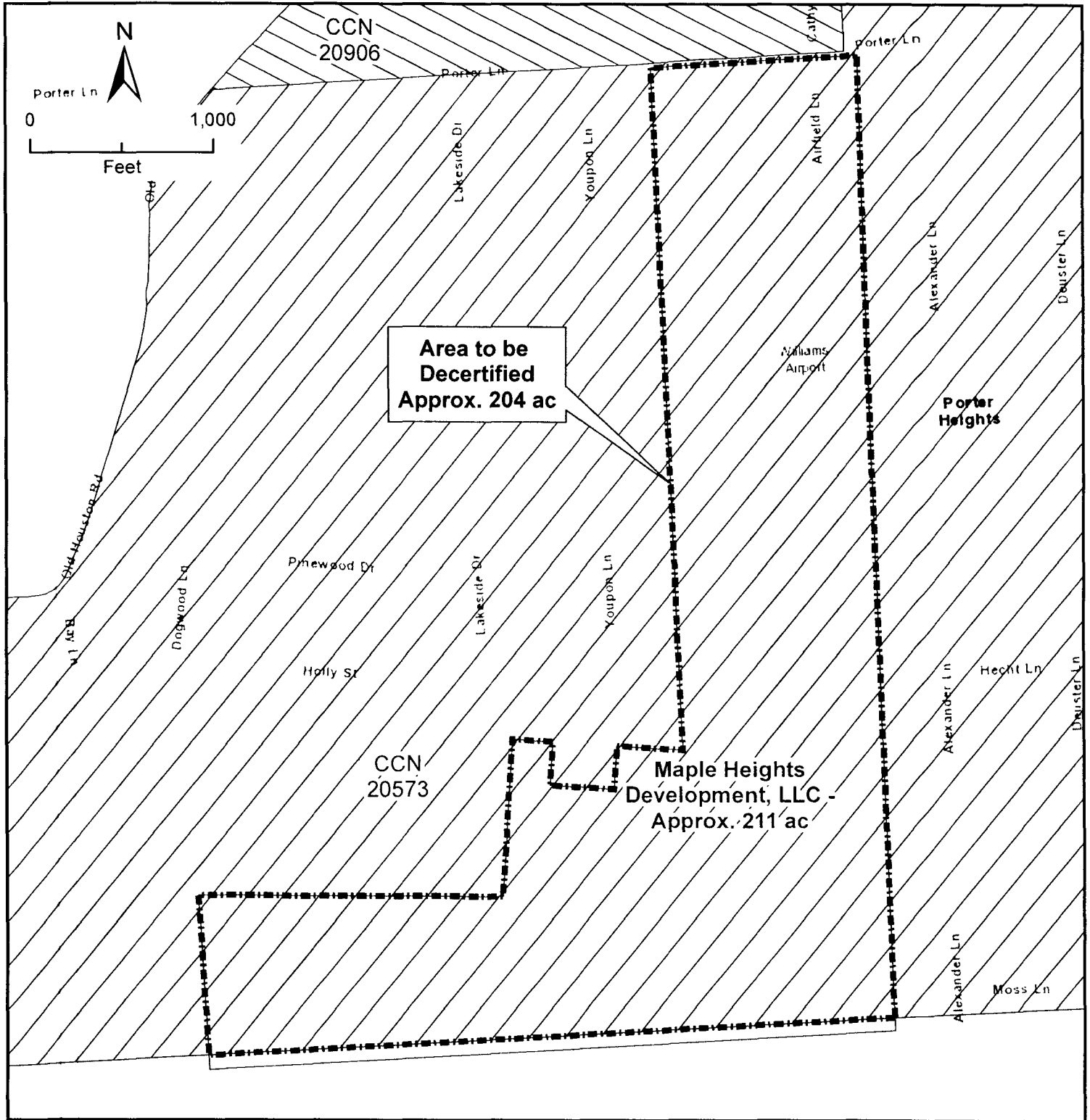
On August 30, 2019, Maple Heights Development LLC (Petitioner) filed an application for expedited release from Porter Municipal Utility District's (Porter MUD) sewer Certificate of Convenience and Necessity No. 20573 in Montgomery County, under Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code § 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.

The Petitioner submitted a sworn affidavit attesting that the property was not receiving sewer services from Porter MUD and a warranty deed confirming the Petitioner's ownership of the tract of land. In addition, the Petitioner submitted sufficient maps and digital data for determining the location of the requested release area within Porter MUD's certificated service area. Mapping Staff was able to confirm the total area of the property is approximately 211 acres. The area to be released is approximately 204 acres.



The petition also includes a statement indicating a copy of the petition was sent via certified mail to Porter MUD on the date the petition was filed with the Commission.

Staff has reviewed the information provided by the Petitioner and recommends the petition be deemed administratively complete and accepted for filing.



Docket 49924 - SER Preliminary Map
Maple Heights Development, LLC to Amend CCN No. 20573 in Montgomery County
Texas Water Code § 13.254(a-5)



Sewer CCN Service Areas

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

Proposed Property to be Decertified

-  Area to be Decertified from CCN No. 20573
-  Maple Heights Development, LLC Property
Approx. 211 ac