

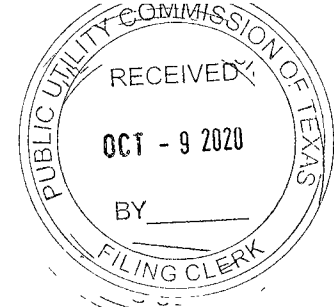


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DOCKET NO. 50543

APPLICATION OF SP UTILITY, INC.	§	PUBLIC UTILITY COMMISSION
TO AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY AND	§	OF TEXAS
FOR DUAL CERTIFICATION WITH	§	
DREW T. SPENCER DBA	§	
CYPRESSWOOD ESTATES IN	§	
MONTGOMERY COUNTY	§	

**COMMISSION STAFF'S SECOND SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS OF THE APPLICATION AND
PROPOSED PROCEDURAL SCHEDULE**

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

I. BACKGROUND

On February 12, 2020, SP Utility, Inc. (SP Utility or Applicant) filed an application to amend its water certificate of convenience and necessity (CCN) No. 12978 and for dual certification with Drew T. Spencer dba Cypresswood Estates Water System in Montgomery County, Texas. The requested area consists of 256 acres and 151 customer connections. SP Utility filed supplemental information on April 10, 2020, April 13, 2020, April 16, 2020, and September 9, 2020.

On October 2, 2020, Staff filed a supplemental recommendation regarding the administrative completeness of the application, recommending that the application be deemed sufficient and recommending that SP Utility proceed with providing notice of its application as outlined in the attached memorandum of Patricia Garcia.

On October 5, 2020, the administrative law judge (ALJ) filed Order No. 6, finding the supplemented application administratively complete and directing SP Utility to provide notice of the application as outlined in Ms. Garcia's memorandum.

II. REVISED NOTICE RECOMMENDATION

The October 2, 2020 memorandum of Patricia Garcia, attached to Staff's Second Supplemental Recommendation on Administrative Completeness of the Application and

Proposed Procedural Schedule, inadvertently did not include certain utilities that are required to be noticed pursuant to 16 Texas Administrative Code (TAC) § 24.235(b)(1)(A). Accordingly, Staff recommends that SP Utility proceed with providing notice of its application as detailed in the revised memorandum of Patricia Garcia attached to this pleading.

Dated: October 9, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

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/s/ Taylor P. Denison

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on October 9, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Taylor P. Denison

Taylor P. Denison

Public Utility Commission of Texas

Memorandum

TO: Taylor Denison, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: October 9, 2020

RE: Docket No. 50543 – *Application of SP Utility, Inc. to Amend its Certificate of Convenience and Necessity and for Dual Certification with Drew T. Spencer dba Cypresswood Estates in Montgomery County*

On February 12, 2020, SP Utility, Inc. filed with the Public Utility Commission of Texas (Commission) an application to amend its water certificate of convenience and necessity (CCN) No. 12978 in Montgomery County, Texas pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

Staff from the Rate Regulation Division and Infrastructure Division have reviewed the additional information filed by the Applicant on September 9, 2020 and recommend that the application be deemed administratively complete. Staff further recommends the Applicant be ordered to do the following:

- 1) Provide notice of the application by first-class mail 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:
 - *Aqua Texas Inc (CCN No. 13203)*
 - *Aqua Utilities Inc (CCN No. 11157)*
 - *Bauer Landing Water Control & Improvement District*
 - *C & R Water Supply Inc (CCN No. 13098)*
 - *City of Conroe (CCN No. 10339)*
 - *Coastal Water Authority*
 - *Crystal Springs Water Co Inc (CCN No. 11373)*
 - *Green Tree Park MUD*
 - *Gulf Coast Waste Disposal Authority*
 - *H-M-W Special Utility District (CCN No. 10342)*
 - *Harris County Flood Control District*
 - *Harris County MUD 542*
 - *Montgomery County MUD 42*
 - *Montgomery County MUD 107*
 - *Montgomery County MUD 132*
 - *Montgomery County MUD 142*
 - *Montgomery County MUD 159*
 - *MSEC Enterprises Inc (CCN No. 12887)*
 - *North Harris County Regional Water Authority*

- *Port of Houston Authority*
 - *Quadvest LP (CCN No. 11612)*
 - *San Jacinto River Authority*
 - *Undine Texas LLC (CCN No. 13260)*
 - *Woodland Oaks Utility Co Inc (CCN No. 12947)*
- b. The county judge of each county that is wholly or partially included in the requested area:
- *Montgomery County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
- *Lone Star Groundwater Conservation District*
- d. Each landowner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.
- e. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by the Applicant from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. Information related to districts including addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <http://www14.tceq.texas.gov/iwud/>.

- 2) Publish notice in a newspaper having general circulation in the county where the requested area is located, once each week for two consecutive weeks. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the notice was mailed, Applicant must file an affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.
- 3) Provide notice using the attached notice forms.
- 4) Provide a copy of a map delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners, and customers.
- 5) File in the docket a map and copy of notice along with the signed affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit and tear sheets for proof of newspaper publication.
- 6) Supplement the application with a copy of the approval letter for the plans and specifications and distribution system, if applicable, from the TCEQ once the letters are received. The Applicant must file the approval letters prior to Staff making a final recommendation on the application.

Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to the Applicant. The Applicant will have 20 days from the receipt of the RFI to respond.