



Control Number: 50543



Item Number: 61

Addendum StartPage: 0

DOCKET NO. 50543

APPLICATION OF SP UTILITY
COMPANY, INC. TO AMEND ITS
CERTIFICATE OF CONVENIENCE
AND NECESSITY AND FOR DUAL
CERTIFICATION WITH DREW T.
SPENCER D/B/A CYPRESSWOOD
ESTATES IN MONTGOMERY
COUNTY

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PUBLIC UTILITY COMMISSION

OF TEXAS

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SP UTILITY COMPANY, INC.'s
SUPPLEMENTAL RESPONSE TO COMMISSION STAFF'S FOURTH REQUEST FOR
INFORMATION

TO THE PUBLIC UTILITY COMMISSION STAFF, by and through their attorney of record Justin Adkins, Legal Division, Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326.

COMES NOW, SP Utility Company, Inc. ("SP Utility") and submits this Supplemental Response to the Public Utility Commission Staff's ("Commission Staff") Fourth Request for Information ("RFI") pursuant to Tex. R. Civ. P. 190 through 198 and 16 Tex. Admin. Code § 22.144 ("TAC"). Pursuant to 16 TAC § 22.144(c)(2)(F), these responses may be treated as if they were filed under oath.

Respectfully submitted,

Helen S. Gilbert
State Bar No. 00786263
BARTON BENSON JONES PLLC
7000 N. MoPac Expwy, Suite 200
Austin, Texas 78731
Telephone: (210) 640-9174
Telecopier: (512) 472-4014

By: Helen S. Gilbert
Helen S. Gilbert

ATTORNEYS FOR SP UTILITY
COMPANY, INC.

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CERTIFICATE OF SERVICE

I hereby certify that I have or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, or Certified Mail Return Receipt Requested on all parties on the 30th of June 2021.

Helen S. Gilbert

Helen S. Gilbert

**SUPPLEMENTAL RESPONSE TO COMMISSION STAFF'S FOURTH REQUEST FOR
INFORMATION TO
SP UTILITY COMPANY, INC.
QUESTION NO. STAFF 4-1**

Staff 4-1: Please provide the approval letter from the Texas Commission on Environmental Quality for the new distribution system to be installed by SP Utility to serve the customers in the area. A TCEQ approval letter was submitted in response to Staff RFI 3-1, but that approval letter was for the proposed water plant.

RESPONSE: SP Utility reasserts its position that title 16 Tex. Admin. Code § 24.233(a)(14)(A) does not require the submittal of plan approval by TCEQ as a precondition to the issuance of the requested CCN amendment by the Commission in this case. Notwithstanding that, please see attached Exhibit A, TCEQ's June 30, 2021 plan approval.

Jon Niermann, *Chairman*

Emily Lindley, *Commissioner*

Bobby Janecka, *Commissioner*

Toby Baker, *Executive Director*



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 30, 2021

Mr. Nathaniel C. Lail, P.E.
Water Engineers, Inc.
17230 Huffmeister Road, Suite A
Cypress, Texas 77429

Re: Cypresswood Subdivision Water System - Public Water System ID No. 1700918
Proposed Distribution System Modifications
Engineer Contact Telephone: (281) 373-0500
Plan Review Log No. P-06072021-056
Montgomery County, Texas

CN: 602478257; RN: 111212619

Dear Mr. Lail:

On June 7, 2021, the Texas Commission on Environmental Quality (TCEQ) received planning material with your letter dated June 4, 2021 for the proposed distribution system modifications. Additional information was received on June 24, 2021 via email. Based on our review of the information submitted, the project generally meets the minimum requirements of Title 30 Texas Administrative Code (TAC) Chapter 290 - Rules and Regulations for Public Water Systems and is **approved for construction**.

The submittal consisted of 4 sheets of engineering drawings and technical specifications. The approved project consists of:

- 2,487 linear feet (LF) of 6-inch, AWWA Standard C900, dimension ratio (DR) 18, polyvinyl chloride (PVC) waterline;
- 16,140 LF of 3-inch, American Society for Testing and Materials (ASTM) Standard D2241, SDR 21, Class 200 PVC waterline;
- 3,000 LF of 1-inch ASTM D3035 SDR 9, minimum pressure rating 200 psi service lines with 5/8-inch meters to serve existing 145 residence; and
- Various valves, fittings, and appurtenances.

This approval is for the construction of the above listed items only.

The authorization provided in this letter does not relieve a Public Water System from the need to comply with other applicable state and federal regulations.

We note that an application has been filed with Public Utility Commission (Control Number 50543) for SP Utility Company Inc.'s Water Certificate of Convenience and Necessity (CCN No. 12978) service area amendment.

The Cypresswood Subdivision Water System public water supply system provides water treatment.

The project is located along Sanders Road, Spencer Boulevard, Zahn Street, Oak Run, Rolling Timbers Street and Sanders Cemetery Road, in Montgomery County, Texas.

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EXHIBIT A

Mr. Nathaniel C. Lail, P.E.

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June 30, 2021

An appointed engineer must notify the TCEQ's Region 12 Office in Houston at (713) 767-3500 when construction will start. Please keep in mind that upon completion of the water works project, the engineer or owner will notify the commission's Water Supply Division, in writing, as to its completion and attest to the fact that the completed work is substantially in accordance with the plans and change orders on file with the commission as required in 30 TAC §290.39(h)(3).

Please refer to the Plan Review Team's Log No. **P-06072021-056** in all correspondence for this project.

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittals to TCEQ. Every blank on the form must be completed to minimize any delays in the review of your project. The document is available on TCEQ's website at the address shown below. You can also download the most current plan submittal checklists and forms from the same address.

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

For future reference, you can review part of the Plan Review Team's database to see if we have received your project. This is available on TCEQ's website at the following address:

<https://www.tceq.texas.gov/drinkingwater/planrev.html/#status>

You can download the latest revision of 30 TAC Chapter 290 - Rules and Regulations for Public Water Systems from this site.

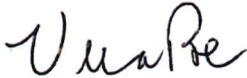
If you have any questions concerning this letter or need further assistance, please contact Raj Khadka at 512-239-1188 or by email at Raj.Khadka@Tceq.Texas.Gov. If you are unable to contact Mr. Khadka, please contact another member of the Plan Review Team at 512-239-4691 or by correspondence at the following address:

Plan Review Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Sincerely,



Jonathan Pi, P.E.
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality



Vera Poe, P.E., Team Leader
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

VP/JP/RK/av

cc: Cypresswood Subdivision Water System - Attn: Water Utilities Official, P.O. Box 690521,
Houston, Texas 77269-0521