



Control Number: 51026



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**DOCKET NO. 51026**

**APPLICATION OF TALL PINES  
UTILITY, INC. AND CSWR-TEXAS  
UTILITY OPERATING COMPANY,  
LLC FOR SALE, TRANSFER, OR  
MERGER OF FACILITIES AND  
CERTIFICATE RIGHTS IN HARRIS  
COUNTY**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

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

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 1, files this Recommendation on Administrative Completeness, Proposed Notice, and Procedural Schedule. Staff recommends that the application be deemed administratively complete. In support thereof, Staff shows the following:

**I. BACKGROUND**

On July 7, 2020, Tall Pines Utility, Inc. (Tall Pines) and CSWR-Texas Utility Operating Company, LLC (CSWR) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Harris County. CSWR seeks approval to acquire facilities and to transfer Tall Pines' water service area held under Certificate of Convenience and Necessity (CCN) No. 11003. The requested area includes approximately 42 acres and 73 connections.

On July 16, 2020, the administrative law judge (ALJ) issued Order No. 1, establishing a deadline of August 17, 2020, for Staff to file comments on the administrative completeness of the application and proposed notice and to file a recommendation regarding how to proceed with the application and to propose a procedural schedule. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the application and, as detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, recommends that it be found administratively complete and accepted for filing. Staff's recommendation on administrative completeness is not a comment on the merits of the application, but only that it is complete for further processing.

### III. NOTICE

At this time, Staff recommends that the Applicants proceed with providing public notice to all current customers, persons, political subdivisions, and other entities listed in the attached memorandum using the notice provided by Ms. Mathis. Along with each individual notice, Staff recommends that Applicants provide an accurate map delineating the requested service area.

Within 30 days of the provision of notice, Staff recommends that the Applicants file proof of notice as described in the attached memorandum. Finally, Staff recommends that the Applicants use the attached notices and affidavits to meet these requirements.

### IV. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Therefore, Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Deadline for Applicants to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties	September 17, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	October 1, 2020
Deadline to intervene	Thirty (30) days after notice is issued

### V. CONCLUSION

Staff respectfully recommends that the application be found administratively complete, that the Applicants be directed to provide notice as detailed in the attached memorandum, and that the proposed procedural schedule be adopted.

Dated: August 17, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Heath D. Armstrong  
Managing Attorney

/s/ Megan Chalifoux  
Megan Chalifoux  
State Bar No. 24073674  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7377  
(512) 936-7268 (facsimile)  
megan.chalifoux@puc.texas.gov

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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 August 17, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Megan Chalifoux  
Megan Chalifoux

## PUC Interoffice Memorandum

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**To:** Megan Chalifoux, Attorney  
Legal Division

**From:** Jolie Mathis, Utility Engineering Specialist  
Infrastructure Division

Fred Bednarski, Financial Examiner  
Rate Regulation Division

**Date:** August 17, 2020

**Subject:** **Docket No. 51026**, *Application of Tall Pines Utility, Inc. and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Harris County*

On July 7, 2020, CSWR-Texas Utility Operating Company, LLC (Purchaser) and the Tall Pines Utility, Inc. (Seller) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Harris County, Texas, pursuant to Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, CSWR-Texas Utility Operating Company, LLC, Certificate of Convenience and Necessity (CCN) No. 13290, seeks approval to acquire facilities and to transfer all of Tall Pines Utility, Inc.'s water CCN No(s). 11003. The requested area includes approximately 42 acres and 73 connections.

Staff from the Rate Regulation Division and Infrastructure Division have reviewed the information filed by the Applicant 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)*
    - *Charterwood MUD*
    - *Coastal Water Authority*
    - *CY Fair Community Improvement District*
    - *CY Forest WSC (CCN No. 12507)*
    - *Cypress Creek Utility District*
    - *Enchanted Valley WSC (CCN No. 11479)*
    - *Faulkey Gully MUD*
    - *Grant Road PUD*
    - *Grantwood WSC (CCN No. 12453)*
    - *Gulf Coast Waste Disposal Authority*
    - *H-M-W SUD (CCN No. 10342)*
    - *Harris County FCD*
    - *Harris County FWSD 61*

- *Harris County MUD 18*
- *Harris County MUD 230*
- *Harris County MUD 286 (CCN No. 11863 & 11937)*
- *Harris County MUD 360*
- *Harris County MUD 364*
- *Harris County WCID 113*
- *Lake Forest Utility District*
- *Malcomson Road Utility District*
- *Mills Road MUD*
- *North Harris County Regional Water Authority*
- *Northwest Harris County MUD 5*
- *Northwest Harris County MUD 9*
- *Pitcairn WSC (CCN No. 12876)*
- *Port of Houston Authority*
- *Timberlake Improvement District*
- *Tower Oak Bend WSC (CCN No. 12315)*
- *Windwood Water System Inc (CCN No. 12434)*
- *Winterhaven HOA (CCN No. 12648)*

- b. The county judge of each county that is wholly or partially included in the requested area:
  - *Harris County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
  - *Harris-Galveston Coastal Subsidence District*
- d. 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) Provide notice and proof of notice using the attached notice and affidavit forms.
- 3) Provide a copy of map delineating the requested area with each individual notice to neighboring utilities, other affected parties, and customers.

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.

**Docket No. 51026**

**Notice to Current Customers, Neighboring Systems, and Cities**

CWSR-TEXAS UTILITY OPERATING COMPANY, LLC, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 13290, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO TRANSFER WATER SERVICE AREA UNDER CCN NO. 11003 FROM TALL PINES UTILITY, INC. IN HARRIS COUNTY, TEXAS

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 20\_\_\_\_  
(Name of Customer, Neighboring System, or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City) State Zip)

CWSR-Texas Utility Operating Co. 1650 Des Peres Rd. St. Louis, MO 63131  
(Purchaser's Name) (Address) (City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase Tall Pines Utility, Inc. water facilities and to transfer water certificated service area under CCN No. 11003 in Harris County, TX from:

Tall Pines Utility, Inc. P.O. Box 40526 Houston, TX 77240-0526  
(Seller's Name) (Address) (City), (State) (Zip Code)

The sale is scheduled to take place if approved by the Commission (V.T.C.A., Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivision:  
«Affected Subdivisions».

The requested area subject to this transaction is located approximately 9 miles south of downtown Tomball, Texas, and is generally bounded on the north by Grant Road; on the east by Pine Drive; on the south by Lismore Lake Drive; and on the west by a line approximately 600' west of and parallel to Pine Drive. The total requested area for the water or sewer CCN(s) being transferred includes approximately 42 acres and 73 current customers. **See enclosed map showing the requested area.**

This transaction will not have an effect on the current customer's rates and services.

*Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.*

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

Si desea información en español, puede llamar al 1-888-782-8477.

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Utility Representative

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Utility Name



# PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND  
AFFECTED PARTIES  
DOCKET NO. 51026

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ has provided individual  
notice to the following entities and customers:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF NOTICE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### OATH

I, \_\_\_\_\_, being duly sworn, file this form as  
\_\_\_\_\_ (indicate relationship to applicant, that is,  
owner, member of partnership, title of officer of corporation, or other authorized representative of  
applicant); that in such capacity, I am qualified and authorized to file and verify such form, am  
personally familiar with the notices given with this application, and have complied with all notice  
requirements in the application and application acceptance letter; and that all such statements made  
and matters set for therein are true and correct.

\_\_\_\_\_  
Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant,  
or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

Commission Expires \_\_\_\_\_

Updated: April 13, 2020