



Control Number: 51698



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DOCKET NO. 51698

RECEIVED

PETITION OF TRENDMAKER  
HOMES, INC. TO AMEND MSEC  
ENTERPRISES INC.'S CERTIFICATE  
OF CONVENIENCE AND NECESSITY  
IN MONTGOMERY COUNTY BY  
EXPEDITED RELEASE §

2021 FEB 11 PM 2:28  
PUBLIC UTILITY COMMISSION  
OF TEXAS

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

On January 8, 2021, Trendmaker Homes, Inc. (Trendmaker) filed a petition to amend MSEC Enterprises, Inc.'s (MSEC) water certificate of convenience and necessity (CCN) No. 12887 in Montgomery County, Texas, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h).

Order No. 1, filed on January 12, 2021, established a deadline of February 8, 2021 for Staff of the Public Utility Commission of Texas (Staff) to file a recommendation on sufficiency of the petition. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum of Patricia Garcia of the Commission's Infrastructure Division, Staff has reviewed the petition for streamlined expedited release and recommends that it be found administratively complete. Staff notes that the affidavit of Collins Pier submitted with the petition requests the release of the tract from "sewer CCN No. 12887." However, the petition itself refers to water CCN No. 12887 and Mr. Pier's affidavit states that the property "is not receiving water or sewer service from MSEC." Accordingly, Staff recommends that the reference to sewer CCN No. 12887 be treated as a scrivener's error and should not prevent a finding that the petition is administratively complete.

**II. NOTICE SUFFICIENCY**

Under 16 TAC § 24.245(h)(3)(F), 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 files the petition with the Commission.

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

### III. PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes the following procedural schedule. Under TWC § 13.245(h)(7), there is an expedited statutory deadline of 60 days for approval that begins once the administrative law judge (ALJ) finds the petition administratively complete. Therefore, Staff proposes the following procedural schedule.

Event	Date
Deadline for responses to the administratively complete petition	February 19, 2021
Deadline for Commission Staff's recommendation on final disposition	March 5, 2021
Deadline for MSEC to file a reply to both Trendmaker's response and Commission Staff's recommendation on final disposition <sup>1</sup>	March 12, 2021

### IV. CONCLUSION

For the reasons detailed above, Staff respectfully requests that an order be issued finding Trendmaker's petition to be administratively complete and its notice sufficient and adopting the proposed procedural schedule.

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<sup>1</sup> 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: February 4, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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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 on February 4, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Merritt Lander  
Merritt Lander

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Merritt Lander, Attorney  
Legal Division

**FROM:** Patricia Garcia, Senior Engineering Specialist  
Infrastructure Division

**DATE:** February 4, 2021

**RE:** Docket No. 51698 – *Petition of Trendmaker Homes, Inc. to Amend MSEC Enterprises Inc. 's Certificate of Convenience and Necessity in Montgomery County by Expedited Release*

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On January 8, 2021, Trendmaker Homes, Inc. (Trendmaker) filed an application for streamlined expedited release from MSEC Enterprises, Inc.'s (MSEC) water certificate of convenience and necessity (CCN) No. 12887 in Montgomery County, under Texas Water Code § 13.2541(b) and 16 Texas Administrative Code § 24.245(h). Trendmaker 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.

Trendmaker submitted a sworn affidavit attesting that the property was not receiving water service from MSEC and a warranty deed confirming Trendmaker's ownership of the tract of land. In addition, Trendmaker submitted sufficient maps and digital data for determining the location of the requested release area within MSEC's certificated service area. Gary Horton, Infrastructure Division, was able to confirm that the tract of land is approximately 125.45 acres. The requested area to be released from MSEC (CCN No. 12887) is approximately 125.08 acres.

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

Based on the mapping review by Mr. Horton and my technical and managerial review of the information provided by Trendmaker, I recommend that the petition be deemed administratively complete and accepted for filing.