



Control Number: 51753



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DOCKET NO. 51753

**APPLICATION OF QUADVEST, L.P. TO §
AMEND ITS CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
WALLER COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2021 APR 22 PM 1:29

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

On January 22, 2021, Quadvest, L.P. (Quadvest) filed an application to amend its water certificate of convenience and necessity (CCN) No. 11612 and sewer CCN No. 20952 in Fort Bend County, Texas under Texas Water Code §§ 13.242 through 13.250 and 16 Texas Administrative Code §§ 24.225 through 24.237. On February 1 and March 11, 2021, Quadvest filed supplemental mapping information, and on February 4, 2021, Quadvest filed supplemental financial information. Quadvest is requesting an area that includes 21.5 acres with no current customers.

On February 23, 2021, the administrative law judge filed Order No. 2, which established a deadline of April 23, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application and to propose a procedural schedule. Therefore, this pleading is timely filed.

I. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information and, as detailed in the attached memoranda of Jolie Mathis of the Commission's Infrastructure Division, recommends that it be found administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the application.

II. NOTICE

At this time, Staff recommends that Quadvest proceed with providing public notice to all persons, political subdivisions, and other entities listed in the attached memorandum using the notices provided by Ms. Mathis. Along with each individual notice, Staff recommends that Quadvest provide accurate maps delineating the requested water and sewer service area. Staff further recommends that Quadvest be directed to use the attached *Notice for Publication* form to

publish notice once each week for two consecutive weeks in a newspaper of general circulation in Waller County.

Within 30 days of the provision of notice, Staff recommends that Quadvest file proof of notice as described in the attached memorandum, including an affidavit specifying the name and address of every person and entity to whom notice was provided, the date that the notice was provided, and a copy of the map provided with the notice. Quadvest should also provide proof of newspaper publication, including a copy of the newspaper tear sheets demonstrating publication. Finally, it is recommended that Quadvest use the attached affidavits to meet these requirements.

III. PROPOSED PROCEDURAL SCHEDULE

Staff recommends that the application be found administratively complete and proposes the following procedural schedule:

Event	Date
Deadline for Quadvest to file with the Commission signed affidavits that the notice was given along with a copy of the notice and map sent to the affected parties and published in a newspaper of general circulation	June 7, 2021
Deadline for Staff to file a recommendation on sufficiency of notice and propose a procedural schedule	June 17, 2021
Deadline to intervene	Thirty (30) days after notice is issued

IV. REQUEST TO RESTYLE THE DOCKET

Staff requests that this docket be restyled as “Application of Quadvest, L.P. to Amend Its Certificates of Convenience and Necessity in Fort Bend County.” The requested restyling will reflect that fact that Quadvest is requesting to amend more than one certificate—water and sewer—and that the requested area is located in Fort Bend County and not Waller County. Quadvest confirmed that the requested area is located in Fort Bend County in its March 11, 2021 filing.

V. CONCLUSION

For the reasons detailed above, Staff recommends that the application, as supplemented, be found administratively complete, that Quadvest be directed to provide notice as detailed

above and in the attached memorandum, that the proposed procedural schedule be adopted, and that the docket be restyled.

Dated: April 22, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

/s/ Merritt Lander
Merritt Lander
State Bar No. 24106183
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7290
(512) 936-7268 (facsimile)
Merritt.Lander@puc.texas.gov

DOCKET NO. 51753

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 April 22, 2021, in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Merritt Lander
Merritt Lander

Public Utility Commission of Texas

Memorandum

TO: Merritt Lander, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: April 22, 2021

RE: Docket No. 51753 – *Application of Quadvest, L.P. to Amend Its Certificate of Convenience and Necessity in Waller County*

On January 22, 2021, Quadvest, L.P. (Quadvest) filed with the Public Utility Commission of Texas (Commission) an application to amend its water certificate of convenience and necessity (CCN) No. 11612 and sewer CCN No. 20952 in Fort Bend County, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

The requested area includes approximately 21.5 acres of uncertificated area. The result of the application will be the addition of approximately 21.5 acres to water CCN No. 11612 and sewer CCN No. 20952.

The original application indicates that the total acreage being requested is approximately 67 acres. Based on the mapping review of Quadvest's revised digital mapping data filed on March 11, 2021 by Tracy Montes, Infrastructure Division, it was determined the requested area is approximately 21.5 acres.

Based on Ms. Montes's mapping review, the maps filed on February 1, 2021 and the digital mapping data filed on March 11, 2021, the mapping documentation is sufficient. In addition, based on my technical and managerial review of the additional information filed by Quadvest on March 11, 2021, I recommend that the application be deemed administratively complete. I further recommend that Quadvest 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:
 - *City of Fulshear*
 - *Cinco Southwest MUD 1*

- *Cinco Southwest MUD 2*
 - *Cinco Southwest MUD 3*
 - *Cinco Southwest MUD 4*
 - *Fort Bend County Drainage District*
 - *Fort Bend County Improvement District 24*
 - *Fort Bend County MUD 132*
 - *Fort Bend County MUD 142*
 - *Fort Bend County MUD 170*
 - *Fort Bend County MUD 171*
 - *Fort Bend County MUD 172*
 - *Fort Bend County MUD 173*
 - *Fort Bend County MUD 229 – [For address, see www.districtdirectory.org]*
 - *North Fort Bend Water Authority*
 - *San Jacinto River Authority*
- b. The county judge of each county that is wholly or partially included in the requested area:
- *Fort Bend County*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
- *Fort Bend County Drainage 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 Quadvest from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. District information and 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 once each week for two consecutive weeks in a newspaper having general circulation in the county where the requested area is located. 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, Quadvest 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 the map(s) deemed sufficient during administrative review delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners and customers.
- 5) File in the docket a copy of notice and the map(s) deemed sufficient during administrative review 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.

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 Quadvest. Quadvest will have 20 days from the receipt of the RFI to respond.

Notice for Publication

**NOTICE OF APPLICATION FOR QUADVEST L.P. TO AMEND CERTIFICATES OF
CONVENIENCE AND NECESSITY TO PROVIDE WATER AND SEWER UTILITY
SERVICE IN FORT BEND COUNTY, TEXAS**

Quadvest, L.P. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 11612 and CCN No. 20952 for the provision of retail water and sewer utility service in Fort Bend County, Texas.

The requested area overlaps the district boundaries of the Fort Bend County Drainage District and North Fort Bend Water Authority. If Fort Bend County Drainage District and North Fort Bend Water Authority do not request a public hearing, the Commission shall determine that the districts are consenting to Quadvest's request to provide retail water and sewer utility service in the requested area.

The requested area includes 0 current customers, is located approximately 3.3 miles east of downtown Fulshear, Texas, and is generally bounded on the north by 1,800 feet south of FM 1093; on the east by Kitty Hawk Street West; on the south and on the west by FM 359.

The requested area includes approximately 21.5 acres, comprised of 21.5 acres of uncertificated area. The result of the application will be the addition of approximately 21.5 acres to water CCN No. 11612 and sewer CCN No. 20952.

A copy of the map showing the requested area is available at: 26926 FM 2978, Magnolia, Texas 77354

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 a final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within 30 days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

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

Notice to Neighboring Systems, Landowners, Customers, and Cities
**NOTICE OF APPLICATION FOR QUADVEST L.P. TO AMEND CERTIFICATES OF
CONVENIENCE AND NECESSITY TO PROVIDE WATER AND SEWER UTILITY
SERVICE IN FORT BEND COUNTY, TEXAS**

To: _____
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: _____, 20 ____

(Address)

(City State Zip)

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The requested area overlaps the district boundaries of the Fort Bend County Drainage District and North Fort Bend Water Authority. If Fort Bend County Drainage District and North Fort Bend Water Authority do not request a public hearing, the Commission shall determine that the districts are consenting to Quadvest's request to provide retail water and sewer utility service in the requested area.

The requested area includes 0 current customers, is located approximately 3.3 miles east of downtown Fulshear, Texas, and is generally bounded on the north by 1,800 feet south of FM 1093; on the east by Kitty Hawk Street West; on the south and on the west by FM 359.

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See enclosed map showing the requested area.

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.

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PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES

DOCKET NO. 51753

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice to the following entities, landowners 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 forth 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 _____

PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT DOCKET NO. 51753

STATE OF TEXAS

COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____,
who being by me duly sworn, deposes and that (s)he is the

_____ of the _____
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas;
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

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 _____