



Control Number: 51814



Item Number: 6

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DOCKET NO. 51814

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APPLICATION OF UTILITIES §
INVESTMENT COMPANY, INC. DBA §
UIC 13, LLC TO AMEND ITS §
CERTIFICATES OF CONVENIENCE §
AND NECESSITY IN HARRIS COUNTY §

PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

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

On February 18, 2021, Utilities Investment Company, Inc. dba UIC 13, LLC (UIC) filed an application to amend its water and sewer certificates of convenience and necessity (CCNs) Nos. 13242 and 21091 in Harris County, Texas. UIC filed supplemental information on March 15, 2021, and March 17, 2021.

On February 22, 2021, the administrative law judge (ALJ) filed Order No. 1, ordering the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on the administrative completeness of the application and proposed notice, and to propose a procedural schedule for further processing of the application on or before March 22, 2021. Staff timely filed its initial recommendation but inadvertently did not include all referenced attachments. Those attachments are included in this supplemental recommendation.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed UIC's supplemented application and, as detailed in the attached memoranda of Mr. Bednarski, III of the Commission's Rate Regulation Division and Patricia Garcia of the Commission's Infrastructure Division, Staff recommends that the supplemented application be found administratively complete. This recommendation does not address the merits of the application.

II. NOTICE

Staff recommends that UIC proceed with providing public notice to all landowners, neighboring utilities, political subdivisions, and other persons listed in the attached memorandum. Along with each individual notice, Staff recommends that UIC provide an accurate map delineating the

requested service area. Staff further recommends that UIC publish notice of the application for two consecutive weeks in a newspaper of general circulation in Harris County.

Once notice has been provided, Staff recommends that UIC 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. UIC should also provide a completed publisher's affidavit and a copy of the newspaper tear sheets demonstrating publication. Finally, Staff recommends that UIC use the attached notices and affidavits to meet these requirements.

III. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for further processing of the application:

Event	Date
Deadline to intervene	Thirty (30) days after notice is issued
Deadline for UIC 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	May 6, 2021
Deadline for Staff to file a recommendation on sufficiency of notice.	May 20, 2021

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively complete, that UIC be directed to provide notice as detailed above and in the attached memorandum of Ms. Garcia, and that the proposed procedural schedule be adopted.

Dated: March 22, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/ Kevin R. Bartz

Kevin R. Bartz
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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 March 22, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Kevin R. Bartz

Kevin R. Bartz

Public Utility Commission of Texas

Memorandum

TO: Kevin Bartz, Attorney
Legal Division

FROM: Fred Bednarski III, Financial Analyst
Rate Regulation Division

DATE: March 22, 2021

RE: Docket No. 51814 - *Application of Utilities Investment Company, Inc. dba UIC 13, LLC to Amend its Certificates of Convenience and Necessity in Harris County*

On February 18, 2021, Utilities Investment Company, Inc. dba UIC 13, LLC filed an application to amend its water and sewer Certificates of Convenience and Necessity in Harris County under Subchapter G of Texas Water Code Chapter 13.

I reviewed the answers provided to questions 30 and 31 of the application. I did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, I recommend that the Commission deem the application administratively complete from a financial perspective.

Notice for Publication

NOTICE OF APPLICATION FOR UTILITIES INVESTMENT COMPANY, INC. DBA UIC 13, LLC TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER AND SEWER UTILITY SERVICE IN HARRIS COUNTY, TEXAS

Utilities Investment Company, Inc. dba UIC 13, LLC has filed an application with the Public Utility Commission of Texas to amend its water Certificate of Convenience and Necessity (CCN) No. 13242 and sewer CCN No. 21091 for the provision of retail water and sewer utility service in Harris County, Texas.

The requested area overlaps the district boundaries of the following districts:

- *East Aldine Management District*
- *Gulf Coast Authority*
- *Harris County Flood Control District*
- *Port of Houston Authority*

If the above-named districts do not request a public hearing, the Commission shall determine that the districts are consenting to Utilities Investment Company, Inc. dba UIC 13, LLC's request to provide retail water and sewer utility service in the requested area.

The requested area includes 9 current customers, is located approximately 10.3 miles north of downtown Houston, Texas, and is generally bounded on the north by 2,000 feet north of intersection of Pear Street and Henry Road; on the east by East Hardy Road (Hardy Toll Road); on the south by Corvette Lane; and on the west by Henry Road.

The requested area is comprised of approximately 67 acres of uncertificated area.

The result of the application will be the addition of approximately 67 acres to CCN No. 13242 and 21091.

A copy of the map showing the requested area is available at: Water Engineers, Inc., 17230 Huffmeister Road, Suite A, Cypress, Texas 77429

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 UTILITIES INVESTMENT COMPANY, INC. DBA UIC
13, LLC TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY TO
PROVIDE WATER AND SEWER UTILITY SERVICE IN HARRIS COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 20____
(Neighboring System, Landowner, Customer or City)

(Address)

(City State Zip)

Utilities Investment Company, Inc. dba UIC 13, LLC has filed an application with the Public Utility Commission of Texas to amend its water Certificate of Convenience and Necessity (CCN) No. 13242 and sewer CCN No. 21091 for the provision of retail water and sewer utility service in Harris County, Texas.

The requested area overlaps the district boundaries of the following districts:

- *East Aldine Management District*
- *Gulf Coast Authority*
- *Harris County Flood Control District*
- *Port of Houston Authority*

If the above-named districts do not request a public hearing, the Commission shall determine that the districts are consenting to Utilities Investment Company, Inc. dba UIC 13, LLC's request to provide retail water and sewer utility service in the requested area.

The requested area includes 9 current customers, is located approximately 10.3 miles north of downtown Houston, Texas, and is generally bounded on the north by 2,000 feet north of intersection of Pear Street and Henry Road; on the east by East Hardy Road (Hardy Toll Road); on the south by Corvette Lane; and on the west by Henry Road.

The requested area is comprised of approximately 67 acres of uncertificated area.

The result of the application will be the addition of approximately 67 acres to CCN No. 13242 and 21091.

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.

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.

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.

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES DOCKET NO. 51814

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 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 _____

PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT DOCKET NO. 51814

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 _____

Public Utility Commission of Texas

Memorandum

TO: Kevin Bartz, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: March 22, 2021

RE: Docket No. 51814 – *Application of Utilities Investment Company, Inc. dba UIC 13, LLC to Amend its Certificates of Convenience and Necessity in Harris County*

On February 18, 2021, Utilities Investment Company, Inc. dba UIC 13, LLC (UIC) filed with the Public Utility Commission of Texas (Commission) an application to amend its water certificate of convenience and necessity (CCN) No. 13242 and sewer CCN No. 21091 in Harris 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 9 current customers and is comprised of approximately 67 acres of uncertificated area. The result of the application will be the addition of approximately 67 acres to CCN Nos. 13242 and 21091.

Based on the mapping review by Ms. Montes, Infrastructure Division, the financial and managerial review by Mr. Bednarski, III, Rate Regulation Division, and my technical and managerial review of the additional information filed by UIC on March 15, 2021, I recommend that the application be deemed administratively complete. I further recommend that UIC 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:
 - *Airline Improvement District*
 - *Aldine Bender Development Corporation (CCN No. 20822)*
 - *Aqua Texas Inc. (CCN Nos. 13203, 20453, Pending Docket 51506)*
 - *Aqua Utilities Inc (CCN Nos. 11157)*
 - *Blue Bell Manor Utility Company Inc. (CCN Nos. 10963, 20722)*
 - *Central Harris County Regional Water Authority*
 - *Champs Water (CCN Nos. 10972, 20385)*

- *City of Houston*
- *Coastal Water Authority*
- *East Aldine Management District*
- *Fallbrook Utility District*
- *Galco Utilities (CCN No. 20546)*
- *Greater Northside Management District*
- *Greenwood Place Civic Club Inc. (CCN No. 12544)*
- *Gulf Coast Authority*
- *Harris County Flood Control District (FCD)*
- *Harris County MUD 182*
- *Harris County MUD 321*
- *Hooks Mobile Home Park Ltd (CCN Nos. 13027, 20932)*
- *Imperial Valley MUD (CCN Nos. 10865, 20341)*
- *Midway Water Utilities Inc. (CCN No. 12087, Pending Docket 50895)*
- *Municipal Operations LLC (CCN Nos. 11872, 20446)*
- *Nitsch and Son Utility (CCN Nos. 11124, 20446)*
- *North Belt Utility District*
- *North Houston District*
- *Port of Houston Authority*
- *Seller Water Company (CCN No. 12288)*
- *Sunbelt FWSD (CCN Nos. 10833, 20347)*
- *Trinity RCT GP LLC (CCN Nos. 13241, 21090)*
- *Undine Texas LLC (CCN No. 13260)*
- *West Road WSC (CCN No. 20701)*
- *Westfield Mobile Home Park (CCN Nos. 11782, 20596)*

- 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 Subsidence 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 UIC 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, UIC 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 UIC. UIC will have 20 days from the receipt of the RFI to respond.