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Addendum StartPage: 0

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APPLICATION OF FOREST GLEN
UTILITY COMPANY TO AMEND ITS
SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
MEDINA COUNTY

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BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**FOREST GLEN UTILITY COMPANY'S SECOND SUPPLEMENTAL RESPONSE TO
MOTIONS TO INTERVENE AND RESPONSE TO REQUESTS FOR OPT-OUT AND
REFERRAL**

COMES NOW, Forest Glen Utility Company ("Applicant" or "Forest Glen") and submits this Second Supplemental Response to the Motions to Intervene and Response to Requests for Opt-Out and Referral ("Second Supplemental Response") in the above-docketed proceeding. In support thereof, Forest Glen would show the following:

I. BACKGROUND

1. On March 4, 2021, Forest Glen filed an Application to amend sewer certificate of convenience and necessity ("CCN") No. 21070 in Medina County.
2. On March 5, 2021, the Administrative Law Judge ("ALJ") of the Public Utility Commission of Texas ("Commission") issued Order No. 1 requiring Commission Staff to file its recommendation on administrative completeness which it did on April 5, 2021.
3. Order No. 2 issued April 6, 2021, found the application to be administratively complete and directed Applicant to provide notice in accordance with Commission Staff's recommendation.
4. Applicant published the notice provided by Commission Staff on April 22 and 29, 2021 and mailed notice on April 15, 2021.
5. Forest Glen's Affidavit of Notice was filed on May 6, 2021.

6. On May 10, 2021, Forest Glen timely filed a Response to Motions to Intervene that had been filed by 81 individuals with the Commission from May 3 through May 10, 2021.¹
7. From May 11 through May 14, 2021, five additional individuals filed Motions to Intervene which were the subject of Forest Glen's timely filed Supplemental Response to Motions to Intervene filed on May 17, 2021.
8. On May 17, 2021, one additional individual, Lt. Col. Alex Archibald filed a Motion to Intervene.²
9. On May 20, 2021, adjacent landowner Ruth Steinle filed a letter formally requesting to "opt out" of the inclusion of any of my property in the Application of Forest Glen Utility Company's Application." At the same time, Commission Staff filed its Recommendation on Sufficiency of Notice and Request for Referral to the State Office of Administrative Hearings ("SOAH"). Therefore this Supplemental Response is timely filed.

II. LEGAL AUTHORITY

Title 16 Texas Administrative Code ("TAC") § 24.235 establishes the notice requirements for new and amended CCNs.

(b) After reviewing and, if necessary, modifying the proposed notice, the commission will provide the notice to the applicant for publication and/or mailing.

(1) For applications for a new CCN or a CCN amendment, the applicant shall mail the notice 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.

¹ Forest Glen incorporates its May 10, 2021 Response to Motions to Intervene and its May 17, 2021 Supplemental Response to Motions to Intervene herein for all purposes as if set out in full.

² See Attachment A-2, Intervenor Map and List updated as of the time of filing and showing the location of each requestor, all residing within Potranco Ranch Subdivision.

(B) the county judge of each county that is wholly or partially included in the requested area; and

(C) each groundwater conservation district that is wholly or partially included in the requested area.

(2) Except as otherwise provided by this subsection, in addition to the notice required by subsection (a) of this section, the applicant shall mail notice to each owner of a tract of land that is at least 25 acres and is wholly or partially included in the requested area. Notice required under this subsection must be mailed by first class mail 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 commission received the application for the CCN. Good faith efforts to comply with the requirements of this subsection shall be considered adequate mailed notice to landowners. Notice under this subsection is not required for a matter filed with the commission under:

(A) TWC §13.248 or §13.255; or

(B) TWC Chapter 65.

(3) Utilities that are required to possess a CCN but that are currently providing service without a CCN must provide individual mailed notice to all current customers. The notice must contain the current rates, the effective date of the current rates, and any other information required in the application or notice form or by the commission.³

The criteria for granting and amending CCNs states:

(e) In considering whether to grant or amend a CCN, the commission will also consider:

(1) the adequacy of service currently provided to the requested area;

(2) the need for additional service in the requested area, including, but not limited to:

(A) whether any landowners, prospective landowners, tenants, or residents have requested service;

(B) economic needs;

(C) environmental needs;

(D) written application or requests for service; or

(E) reports or market studies demonstrating existing or anticipated growth in the area;

(3) the effect of granting or amending a CCN on the CCN recipient, **on any landowner in the requested area**, and on any retail public utility that

³ 16 TAC § 24.235(b).

provides the same service and that is already serving any area within two miles of the boundary of the requested area. These effects include but are not limited to regionalization, compliance, and economic effects;

(4) the ability of the applicant to provide adequate service, including meeting the standards of the TCEQ and the commission, taking into consideration the current and projected density and land use of the requested area;

(5) the feasibility of obtaining service from an adjacent retail public utility;

(6) the financial ability of the applicant to pay for the facilities necessary to provide continuous and

adequate service and the financial stability of the applicant, including, if applicable, the adequacy

of the applicant's debt-equity ratio;

(7) environmental integrity;

(8) the probable improvement in service or lowering of cost to consumers in that area resulting from the granting of the new CCN or a CCN amendment; and

(9) the effect on the land to be included in the requested area.⁴

Section 24.3(2) defines an affected person to be, "[a]ny landowner **within an area for which a certificate of public convenience and necessity is filed**, any retail public utility affected by any action of the regulatory authority, any person or corporation whose utility service or rates are affected by any proceeding before the regulatory authority, or any person or corporation that is a competitor of a retail public utility with respect to any service performed by the retail public utility or that desires to enter into competition."⁵

And, 16 TAC § 22.103(b) further sets out the standard for intervention:

(b) Standing to intervene. Persons desiring to intervene must file a motion to intervene and be recognized as a party under §22.104 of this title (relating to Motions to Intervene) in order to participate as a party in a proceeding. Any association or organized group must include in its motion to intervene a list of the members of the association or group that are persons other than individuals that will be represented by the association or organized group in the proceedings. The group or association shall supplement the list of members represented in the motion at any

⁴ 16 TAC § 24.227(e)(emphasis added).

⁵ 16 TAC § 24.3(2)(emphasis added).

time a member is added or deleted from the list of members represented. A person has standing to intervene if that person:

- (1) has a right to participate which is expressly conferred by statute, commission rule or order or other law; or
- (2) has or represents persons with a justiciable interest which may be adversely affected by the outcome of the proceeding.⁶

III. ARGUMENT

A. No Intervenors are Affected Persons

Forest Glen was granted its original sewer CCN in 2012 covering approximately 320 acres in the then-newly developed Potranco Ranch Subdivision. Forest Glen's CCN was amended in 2018 to serve an additional 84.62 acres as the residential subdivision grew in rural Medina County. The pending application for amendment now seeks authority to include an additional undeveloped 185 acres in an area to be developed sometime in the future and known as Potranco Oaks and Potranco Gardens adjacent to the existing Potranco Ranch Subdivision. As Attachment 9 to the Application clearly shows, the undeveloped property to be included in the new CCN area is currently owned by only one landowner, HK Development and not by any of the individuals who have attempted to intervene (or complained) in this case.⁷ Forest Glen provides continuous and adequate wastewater and reclaimed water service to 447 existing customers.

Since Forest Glen's initial Response to Motions to Intervene of May 10, 2021 and Supplemental Response to Motions to Intervene of May 17, 2021, one additional individual has requested to intervene in this docket. As depicted by the Attachment A-2 list and map, each of the intervenors including Lt. Col. Archibald currently resides within the existing CCN area and not in the 185 acres owned by HK Development that Forest Glen is requesting to add to its CCN area.⁸ Attachment 11 to the Application, the Preliminary Engineering Report's Master Development

⁶ 16 TAC § 22.103(b).

⁷ See Attachment B, Attachment 9 to the Application to Amend Sewer CCN, Non-standard Service Application, FGU000013-000015.

⁸ Lt. Col. Archibald is designated as No. 81 on the Attachment A-2 list and map.

Plan, shows that the initial 81, the additional five individuals requesting intervention after May 10, 2021, and the additional one requestor who requested intervention on May 17, all reside outside the proposed area to be added to the existing CCN.⁹ Since **none** of the intervenors live in the new CCN area, none are affected persons who have standing to participate in this amendment proceeding.

Section 24.3(2) clearly states that an affected person is any landowner **within** an area for which a certificate of public convenience and necessity is filed.¹⁰ However, the existing customers who are Intervenor in this case live **outside** of the proposed CCN area and within the original CCN area, Potranco Ranch Subdivision. Furthermore and logic aside, even if the Intervenor did live within the new undeveloped area that is not yet built out, each initial and additional intervenor has failed to demonstrate that the CCN amendment would affect him or her in a manner that is not common to members of the general public.¹¹ Any justiciable interest these proposed Intervenor may claim must stem from a legal right, duty, privilege, power, or economic interest affected by the outcome of this hearing that relates to the new area to be added to the CCN.¹² Furthermore, to have standing, each Intervenor must demonstrate he or she will be adversely affected by the outcome of this proceeding.¹³ The problem for these proposed Intervenor, however, is that they will not be affected by the new undeveloped 185 acres since they do not live or own property there. Moreover, some of the claims appear to be operation complaints about the Wastewater Treatment Plant (“WWTP”), which are not germane to this proceeding and not within the jurisdiction of the Commission. Legislation grants the TCEQ with exclusive authority over WWTP operations and the associated discharge permits.

⁹ See Attachment C, Attachment 11 to the Application to Amend Sewer CCN, Preliminary Engineering Report, Master Development Plan, FGU000025.

¹⁰ 16 TAC § 24.3(2)(emphasis added).

¹¹ Prior to September 1, 2014, when the Legislature transferred subject matter jurisdiction over CCNs from the Texas Commission on Environmental Quality (“TCEQ”) to the Commission (*see* Act of May 25, 2013, 83rd Leg., R.S., ch 171 (S.B. 567), § 13, eff. Sept. 1, 2013), the Motions to Intervene would have been analyzed under Texas Water Code (“TWC”) § 5.115 and the TCEQ affected persons rules promulgated thereunder, 30 TAC 55.3 *et seq.*

¹² TWC § 5.115(a). Note that the Commission’s § 22.103(b)(2) justiciable interest (and “old” TCEQ affected person) intervention standard is slightly different than the definition of “affected person” at 16 TAC § 24.3(2) and TWC § 13.002(1).

¹³ 16 TAC § 22.103(b)(2).

Although the Commission Staff recommended that Applicant provide notice to “all landowners,” Commission rules do not require such notice.¹⁴ Section 24.235 does not require notice to all landowners, let alone current customers. . . just owners of tracts of land that are at least 25 acres and wholly or partially included in the requested area.¹⁵ Under Commission rules and authorizing statutory authority, current customers would be afforded notice under the rule only if the utility was already providing service without the required CCN, which is not the case here. Thus, while Commission staff forced Forest Glen to provide mailed notice to its existing customers, this notice was over and beyond what it was required to do. Providing courtesy notice to current Forest Glen customers in no way confers standing on these proposed Intervenor who otherwise lack any regulatory or statutory authority to intervene.

As the Commissioners stated during their May 6, 2021 Open Meeting, “rules are rules.” Rules are in place for a reason. Under Commission rules and under provisions of the Texas Water Code, all the additional proposed Intervenor lack standing and a justiciable interest to intervene in this CCN amendment because these existing customers are not affected persons under the law.

B. Ruth Steinle’s Opt-Out Request is Inapplicable

In her May 20, 2021 letter to the Commission, Ms. Steinle states that it “would appear the description provided includes my property, although there is no map in the PUC online file that clearly indicates that.”¹⁶ Although Ms. Steinle is correct that Forest Glen approached her about voluntarily including her property in the amended CCN area, she is incorrect that her property was included in the application once she made her wishes known. As clearly stated on pages 4 (bates page FGU000004) and 11 (FGU000011) of the Application for CCN Amendment, Attachment 9 (FGU000022) (preliminary engineering plan), and Attachment 11 (FGU000025) (map), Forest Glen requested **only** the addition of 185 acres currently owned by HK Development.¹⁷ This is

¹⁴ See Commission Staff’s Recommendation on Administrative Completeness of the Application, Proposed Notice, and Proposed Procedural Schedule at 1; Note, while the pleading recommends notice to “all landowners,” Staff’s memo only recommends notice to “any affected customers, and other affected parties *in the requested area*.” (emphasis added).

¹⁵ 16 TAC§ 24.235(b)(2).

¹⁶ Ruth Steinle’s Letter Requesting Opt-Out at 1 (May 20, 2021).

confirmed by the shape or digital files (SHP) that were filed with the Commission on March 5, 2021. Thus, since Forest Glen is not requesting that any of Ms. Steinle's property be added to its CCN area in the pending application, her Opt-Out Request is non-applicable and should be denied.

While legal notices and the digital mapping files required by the Commission are sometimes confusing, unfortunately this docket was further confused by an additional notice error by Commission Staff. As shown on Attachment D, the Commission Staff-generated public notice contained an error which was likely misleading to Ms. Steinle.¹⁸ Instead of stating that the requested area includes 185 acres, which would have been consistent with the Application for CCN Amendment and the corresponding digital SHP files, the Commission Staff's notice erroneously stated that "the requested area includes approximately 405 acres of uncertified area."¹⁹ The notice further stated that "the result of the application will be the addition of approximately 405 acres to CCN 21070."²⁰ The size of Forest Glen's *current* CCN area is 405 acres and does not include the 185 acres described in the Application for CCN Amendment. None of the requested area includes Ms. Steinle's property.

In 2012, Forest Glen was granted a CCN area that comprised 320 acres. In 2018, the CCN was amended again to add 84.62 acres. Together this is the current CCN area of 404.62 or nearly 405 acres. With the requested 185 acres, Forest Glen's would-be CCN area will be 589.62 acres or almost 590 acres. Again, this bears no resemblance to Ms. Steinle's claim that her 217.72 acres would be included in Forest Glen's requested amendment.²¹ Since Ms. Steinle's property is not within the requested area, her Opt-Out Request is meritless and is not applicable or relevant to this docket. Also, since Ms. Steinle does not live within the requested 185 acres to be included in

¹⁷ See Attachment B, Attachment 9 to the Application to Amend Sewer CCN, Non-standard Service Application, FGU000013-000015.

¹⁸ See Attachment D, excerpt from Commission Staff's Notice that was published and mailed by Forest Glen as indicated by the affidavits filed May 6, 2021.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Ms. Steinle concedes she does not have a current survey of her property and she has not consulted a map. Regardless, if Ms. Steinle were correct, her 217.72 acres and the requested 185 acres would equal 402.72 acres, not 405 acres. Alternatively, if Forest Glen were attempting to add Ms. Steinle's 217.72 acres to its existing 405, that would equal 622.72 acres, again not 405. Ms. Steinle is simply mistaken.

Forest Glen's CCN area and has no ownership or other interests in the subject area. She is not an affected person in this matter.²²

C. Commission Staff's Request for Referral is in Error

Commission Staff requests that this case be referred to SOAH for hearing because "many of the intervention requests filed in this proceeding as [sic] include a request for hearing."²³ Commission Staff does not explain why this case should be referred to hearing when *none* of the individuals requesting intervention have standing to intervene as affected persons. *None* of these individuals live in the 185 acres requested to be included in the amended CCN area. As stated above, Commission rules explicitly state that an affected person is limited to "any landowner *within* the area for which a certificate of public convenience and necessity is filed. . . ."²⁴ Commission Staff has not put forth any counter-veiling evidence that any of the 87 individuals requesting intervention or Ms. Steinle is a landowner living within the requested area or is in any other way an affected person justifying referral of this case SOAH. There is no basis to refer this case to SOAH for a hearing. All 87 requests for intervention and Ms. Steinle's Opt-Out Request should be denied.

IV. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Forest Glen Utility Company respectfully prays that the Commission ALJ deny all Motions to Intervene and other complaints, including the additional five requests received from May 10 through May 14, 2021, the one request filed on May 17, 2021 and Ms. Steinle's May 20, 2021 Opt-Out Request and deny Commission Staff's request to refer this matter to SOAH.

²² Ms. Steinle has not requested a hearing or to intervene in this docket.

²³ Commission Staff's Recommendation on Sufficiency of Notice and Request for Referral at 2 (May 20, 2021).

²⁴ 16 TAC § 24.3(2)(emphasis added).

Respectfully submitted,

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By: Helen S. Gilbert

Helen S. Gilbert

**ATTORNEYS FOR FOREST GLEN
UTILITY COMPANY**

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 24th of May 2021.

Helen S. Gilbert

Helen S. Gilbert

DOCKET NO. 51870 - ATTACHMENT A-2

FGU Customers Requesting Intervention

As of: 5/21/2021

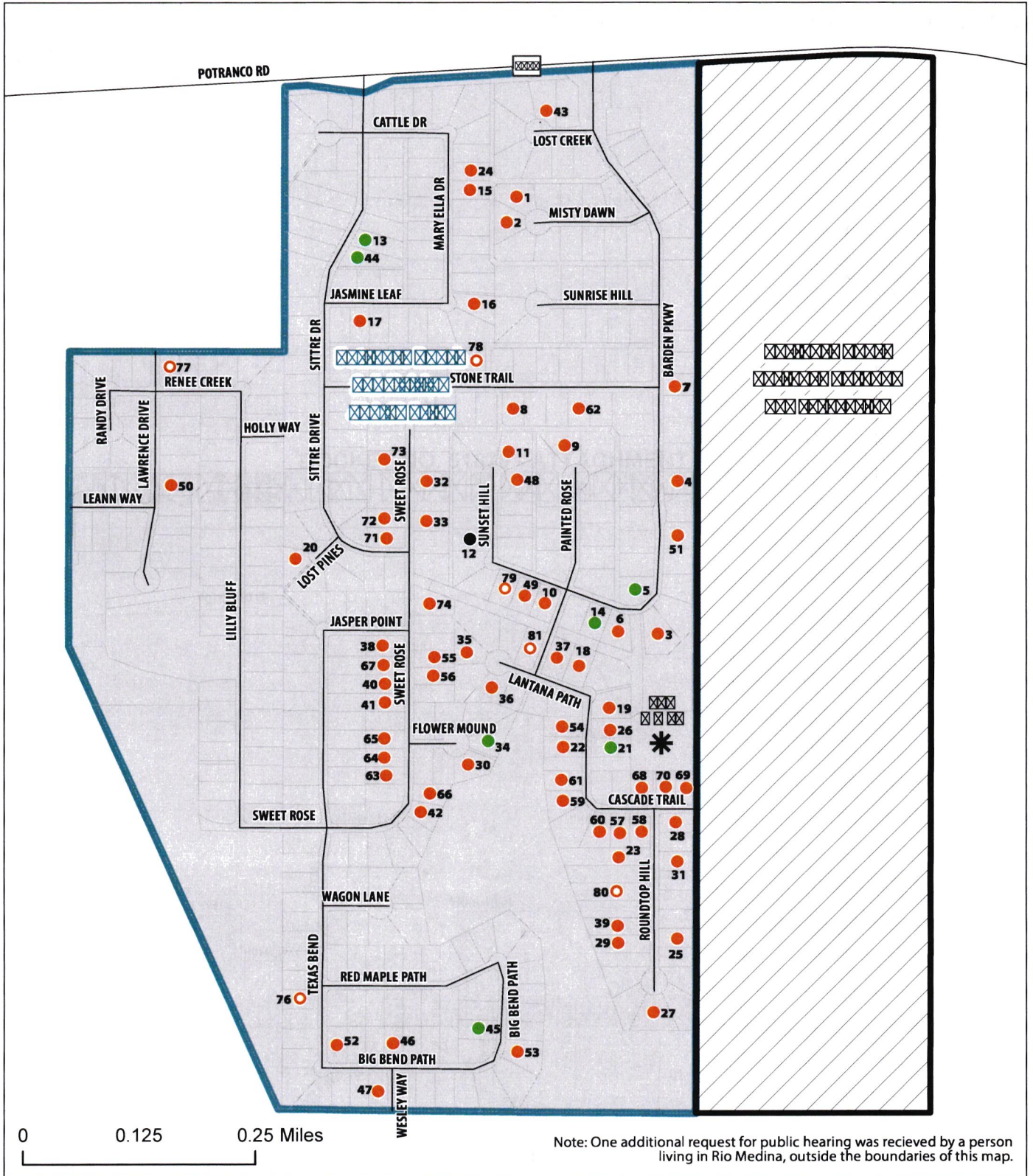
Duplicate
Did not req intervention

Ref #	Request to Intervene	Complaint Description	Name	Service Address Street	Service Address City	State	Mail Zip code	Reference on ATT.11 Master Dev Plan Lot #
1	5/5/2021	Intervention Request	MICHAEL/JENNIFER MILLS	192 MISTY DAWN	CASTROVILLE	TX	78009	
2	5/6/2021	Intervention Request	CECIL/VANESSA PERKINS	196 MISTY DAWN	CASTROVILLE	TX	78009	
3	5/5/2021	Intervention Request	ALBERTO/YVONNE NIETO	397 BARDEN PARKWAY	CASTROVILLE	TX	78009	
4	5/5/2021	Intervention Request	FABIAN/YESenia PEREZ	341 BARDEN PARKWAY	CASTROVILLE	TX	78009	17
5	5/5/2021	Req for intervention/odor	JENNIFER RABIDOUX	394 BARDEN PARKWAY	CASTROVILLE	TX	78009	
6	5/5/2021	Intervention Request	JOHN/KATHLEEN MILLER	431 BARDEN PARKWAY	CASTROVILLE	TX	78009	
7	5/5/2021	Intervention Request	TERRY/SHARON RASH	301 BARDEN PARKWAY	CASTROVILLE	TX	78009	13
8	5/6/2021	Intervention Request	ERIK GARZA	225 STONE TRAIL	CASTROVILLE	TX	78009	
9	5/5/2021	Intervention Request	THOMAS/MELISSA SCOTT	271 PAINTED ROSE	CASTROVILLE	TX	78009	
10	5/5/2021	Intervention Request	LARRY GALLYARDT (ANN WESTMAN IS CUSTOMER)	519 BARDEN PARKWAY	CASTROVILLE	TX	78009	
11	5/5/2021	Intervention Request	FRANCISCO/ANNA SANDOVAL	252 SUNSET HILL	CASTROVILLE	TX	78009	
12	5/6/2021	Other Complaint	MICHAEL/JULIE HERR	213 SUNSET HILL	CASTROVILLE	TX	78009	
13	5/5/2021	Req for intervention/odor	DAVID/JOSEFA SLETTEN	275 SITRE DRIVE	CASTROVILLE	TX	78009	
14	5/5/2021	Odor and Noise	MARY MOORE/JANE HONERMANN	453 BARDEN PARKWAY	CASTROVILLE	TX	78009	
15	5/5/2021	Intervention Request	JESUS/SANDRA GONZALEZ	165 MARY ELLA DR	CASTROVILLE	TX	78009	
16	5/5/2021	Intervention Request	JUAN OR MARGARET REYES	295 MARY ELLA DR	CASTROVILLE	TX	78009	
17	5/5/2021	Intervention Request	LARRY OR ROBBIE TERRY	136 JASMINE LEAF	CASTROVILLE	TX	78009	
18	5/5/2021	Intervention Request	JOSEPH/ANNA JUAREZ	116 LANTANA PATH	CASTROVILLE	TX	78009	
19	5/5/2021	Intervention Request	CARLOS OR THERESA GAITAN	113 CASCADE TRAIL	CASTROVILLE	TX	78009	
20	5/5/2021	Intervention Request	KEMPIS & HOPE MCCALL	134 LOST PINES	CASTROVILLE	TX	78009	
21	5/6/2021	Req for intervention/odor	RAY OR IMELDA GARCIA	159 CASCADE TRAIL	CASTROVILLE	TX	78009	
22	5/5/2021	Intervention Request	CHRISTOPHER/MELISSA RAY	156 CASCADE TRAIL	CASTROVILLE	TX	78009	
23	5/5/2021	Intervention Request	ALLEN OR ADRIENNE MIMMS	150 ROUNDTOP HILL	CASTROVILLE	TX	78009	
24	5/5/2021	Intervention Request	JUSTIN OR ERIN RUPERT	145 MARY ELLA DR	CASTROVILLE	TX	78009	
25	5/5/2021	Intervention Request	WILLIS / JOAN RAWLS	239 ROUNDTOP HILL	CASTROVILLE	TX	78009	32
26	5/5/2021	Intervention Request	THOMAS/LEONILA DAVIS	139 CASCADE TRAIL	CASTROVILLE	TX	78009	
27	5/5/2021	Intervention Request	DARLA PARSON / ANNETTE MOORE	298 ROUNDTOP HILL	CASTROVILLE	TX	78009	
28	5/5/2021	Intervention Request	DAVID OR MAXINE WARE	117 ROUNDTOP HILL	CASTROVILLE	TX	78009	26
29	5/5/2021	Intervention Request	MICHAEL/JENNI DOMBROWSKI	244 ROUNDTOP HILL	CASTROVILLE	TX	78009	
30	5/5/2021	Intervention Request	DERRICK/KWAJALEIN THOMAS	158 FLOWER MOUND	CASTROVILLE	TX	78009	
31	5/5/2021	Intervention Request	RONALD/LYNN BARRON	157 ROUNDTOP HILL	CASTROVILLE	TX	78009	28
32	5/5/2021	Intervention Request	ERIC OR CONNIE LINDBECK	203 SWEET ROSE	CASTROVILLE	TX	78009	
33	5/5/2021	Intervention Request	JOHNNY OR SYNTYA URIEGAS	245 SWEET ROSE	CASTROVILLE	TX	78009	
34	5/5/2021	Req for intervention/odor	ARTURO/NANCY VARGAS	164 FLOWER MOUND	CASTROVILLE	TX	78009	
35	5/5/2021	Intervention Request	CATHERINE LYNN MONKMAN	198 LANTANA PATH	CASTROVILLE	TX	78009	
36	5/5/2021	Intervention Request	ROBERTO/BRENDA ARTEAGA	183 LANTANA PATH	CASTROVILLE	TX	78009	
37	5/5/2021	Intervention Request	DAVID & XIAOYA YANEZ *PUCT IDENTIFIED AS XINYA SUN YUIZ	136 LANTANA PATH	CASTROVILLE	TX	78009	
38	5/5/2021	Intervention Request	CALVIN/ELIZABETH OWENS	380 SWEET ROSE	CASTROVILLE	TX	78009	
39	5/5/2021	Intervention Request	CHARLES/CHUCK BREADMORE	226 ROUNDTOP HILL	CASTROVILLE	TX	78009	
40	5/6/2021	Intervention Request	RAFAEL/RHONDA GONZALEZ	422 SWEET ROSE	CASTROVILLE	TX	78009	
41	5/5/2021	Intervention Request	ISAAC/VIOLEA GUTIERREZ	442 SWEET ROSE	CASTROVILLE	TX	78009	
42	5/5/2021	Intervention Request	ROBERT OR HEATHER MOORE	557 SWEET ROSE	CASTROVILLE	TX	78009	
43	5/5/2021	Intervention Request	JUNE SHILES	168 LOST CREEK	CASTROVILLE	TX	78009	
44	5/5/2021	Req for intervention/odor	JAIME/JEANETTE MARTINEZ	297 SITRE DRIVE	CASTROVILLE	TX	78009	
45	5/3/2021	Req for intervention/odor	CHRISTOPHER/CHRISTINA PINEDO	164 BIG BEND	CASTROVILLE	TX	78009	
46	5/5/2021	Intervention Request	ERIC / CAROLINE BELMAR	300 BIG BEND	CASTROVILLE	TX	78009	
47	5/5/2021	Intervention Request	THIAGO/JANAE SERGIO	321 BIG BEND	CASTROVILLE	TX	78009	
48	5/5/2021	Intervention Request	JUAN/MISTY RIOS	242 SUNSET HILL	CASTROVILLE	TX	78009	
49	5/5/2021	Intervention Request	LUIS FELIPE NETO	545 BARDEN PARKWAY	CASTROVILLE	TX	78009	
50	5/5/2021	Intervention Request	BRENDAN/BRENDA KUEHL	181 LAWRENCE DRIVE	CASTROVILLE	TX	78009	

DOCKET NO. 51870 - ATTACHMENT A-2

51	<u>5/6/2021</u>	Intervention Request	ANGELA HAYNES	365 BARDEN PARKWAY	CASTROVILLE	TX	78009	19
52	<u>5/5/2021</u>	Intervention Request	ERIC/SHUANG WINEMAN	380 BIG BEND	CASTROVILLE	TX	78006	
53	<u>5/7/2021</u>	Intervention Request	JUAN OR MARY RAMIREZ	183 BIG BEND	CASTROVILLE	TX	78009	
54	<u>5/7/2021</u>	Intervention Request	FREDRICK&CAROLINE NEWELL	134 CASCADE TRAIL	CASTROVILLE	TX	78009	
55	<u>5/10/2021</u>	Intervention Request	JEFF/MELISSA DERRYBERRY	397 SWEET ROSE	CASTROVILLE	TX	78009	
56	<u>5/10/2021</u>	Intervention Request	WILLIAM/JILL KEMBLE III	415 SWEET ROSE	CASTROVILLE	TX	78009	
57	<u>5/10/2021</u>	Intervention Request	BENJAMIN/CAROL SCOTT	258 CASCADE TRAIL	CASTROVILLE	TX	78009	
58	<u>5/10/2021</u>	Intervention Request	FRANKLIN & MARIA SINCHE	282 CASCADE TRAIL	CASTROVILLE	TX	78009	
59	<u>5/10/2021</u>	Intervention Request	CALVIN OR FELECIA HOWELL	216 CASCADE TRAIL	CASTROVILLE	TX	78009	
60	<u>5/10/2021</u>	Intervention Request	GLENN OR BARBARA GASPARD	240 CASCADE TRAIL	CASTROVILLE	TX	78009	
61	<u>5/10/2021</u>	Intervention Request	TRACEY/CHRISTINA LEWIS	196 CASCADE TRAIL	CASTROVILLE	TX	78009	
62	<u>5/10/2021</u>	Intervention Request	GARRY/MARIANNE KOSTEL	167 STONE TRAIL	CASTROVILLE	TX	78009	
63	<u>5/10/2021</u>	Intervention Request	DANIEL/PATRICIA FARIAS	520 SWEET ROSE	CASTROVILLE	TX	78009	
64	<u>5/10/2021</u>	Intervention Request	RONGI OR DORCIA LANGHAM	502 SWEET ROSE	CASTROVILLE	TX	78009	
65	<u>5/10/2021</u>	Intervention Request	GARCIA /SHAMELLE TARVER *PUCT IDENTIFIED AS G TERREN III	482 SWEET ROSE	CASTROVILLE	TX	78009	
66	<u>5/10/2021</u>	Intervention Request	ROBERT GRAHAM	541 SWEET ROSE	CASTROVILLE	TX	78009	
67	<u>5/10/2021</u>	Intervention Request	NACHA CORBETT	402 SWEET ROSE	CASTROVILLE	TX	78009	
68	<u>5/10/2021</u>	Intervention Request	MICHAEL OR MARIA PORTER	287 CASCADE TRAIL	CASTROVILLE	TX	78009	
69	<u>5/10/2021</u>	Intervention Request	JAMES BUCKINGHAM	333 CASCADE TRAIL	CASTROVILLE	TX	78009	
70	<u>5/10/2021</u>	Intervention Request	TAURENCE GUY (CASSANDRA HOPKINS CUSTOMER)	313 CASCADE TRAIL	CASTROVILLE	TX	78009	
71	<u>5/10/2021</u>	Intervention Request	MICHAEL/MORENA NORIEGA	260 SWEET ROSE	CASTROVILLE	TX	78009	
72	<u>5/10/2021</u>	Intervention Request	CLARENCE/CHARTAI MCQUEEN	240 SWEET ROSE	CASTROVILLE	TX	78009	
73	<u>5/10/2021</u>	Intervention Request	ALLEN OR DEBRA ABREGO	176 SWEET ROSE	CASTROVILLE	TX	78009	
74	<u>5/10/2021</u>	Intervention Request	JOHN OR TERESA LOVERING	333 SWEET ROSE	CASTROVILLE	TX	78009	
NON CUSTOMER								
75	5/4/2021	Gen Questions / No Req	CHERYL WURZBACH					
RECEIVED AS OF 5/10/21 TO DATE								
76	<u>5/11/2021</u>	Intervention Request	MYRON OR TIERA FLETCHER	516 TEXAS BEND	CASTROVILLE	TX	78009	
77	<u>5/11/2021</u>	Intervention Request	MARK AND JACQUELINE HOPKINS (PATRICK/RUTH BROWN IS CUSTOMER)	180 RENEE CREEK	CASTROVILLE	TX	78010	
78	<u>5/11/2021</u>	Intervention Request	OLGA HONERMANN	254 STONE TRAIL	CASTROVILLE	TX	78011	
79	<u>5/11/2021</u>	Intervention Request	TIMOTHY/NORMA GRANDBERRY	573 BARDEN PARKWAY	CASTROVILLE	TX	78012	
80	<u>5/12/2021</u>	Intervention Request	ERNEST/MARGARET PEREZ	186 ROUNDTOP HILL	CASTROVILLE	TX	78013	
RECEIVED AS OF 5/17/21 TO DATE								
81	<u>5/17/2021</u>	Intervention Request	ALEX M ARCHIBALD	164 LANTANA PATH	CASTROVILLE	TX	78013	

DOCKET NO. 51870 - ATTACHMENT A-2



ComplaintDescription

- Intervention Request
- Intervention Request (5/10/21 through 5/17/21)
- Req for intervention/odor
- Other Complaint

- Potranco Ranch Subdivision (Original CCN Boundary)
- Potranco Oaks/Potranco Gardens (Proposed Expansion Area)
- Parcel Boundaries
- Forest Glen Utility Wastewater Treatment Plant

DOCKET NO. 51870 - ATTACHMENT B

**FOREST GLEN UTILITY COMPANY - APPLICATION FOR CCN AMENDMENT
ATTACHMENT 9**

DOCKET NO. 51870 - ATTACHMENT B

From:

Harry Hausman

15720 Bandera Rd. #103

Helotes TX. 78023

To:

Steven Greenberg

Forest Glen Utility

1918 Summerwood

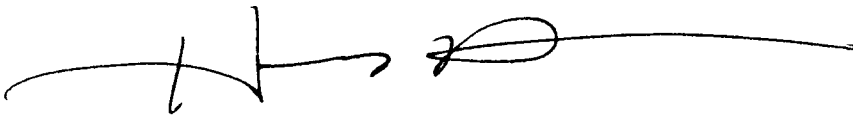
San Antonio, TX 78232

Re: Request for Non-Standard Service for +/- 185 acres on Potranco Road known as Potranco Oaks

Dear Mr. Greenberg,

Attached please find our non-standard service application requesting wastewater treatment service be established to fulfill the needs of the new planned development described in the application.

Sincerely,

A handwritten signature in black ink, appearing to be 'H. Hausman', followed by a long horizontal line.

Harry Hausman

DOCKET NO. 51870 - ATTACHMENT B

Forest Glen Utility
1918 Summerwood Dr
San Antonio, Texas 78232
Tel: 210-968-0776

NON-STANDARD SERVICE APPLICATION

Select One:

_____ Applying for development of new regulated utility retail service

X Applying for service extension

Name of Development: Potranco Oaks / Gardens

Maximum Number of Lots: 388 SFR Total Acreage: 185

Name of Applicant: Hausman Holdings

Name & Title of Person Completing Application: _____

Mailing Address: 15720 Bandera Rd #103, Helotes TX 78023

Phone: 210.695.6580

E-mail: marymhoyt@gmail.com

Name of Property Owner: HK Development

Mailing Address: 15720 Bandera Rd #103, Helotes TX 78023

Phone: _____

E-mail: _____

Responsible Engineer: Paul Landa Firm: MTR Engineers

Mailing Address: _____

Phone: _____

E-mail: _____

Property description: (State legal description or attach copy of deed)

185 acres near the intersection of Potranco Rd and Barden Parkway

Describe all intended land uses in the Development: (Attach additional sheets if necessary)

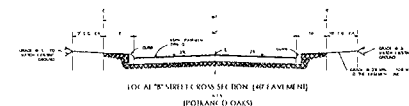
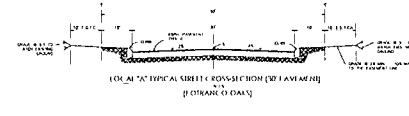
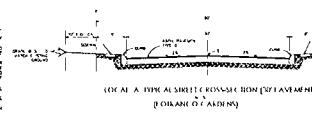
☒ Residential Subdivision ☐ Apartments ☐ Manufactured Home ☐ RV Park

☐ Commercial or other:




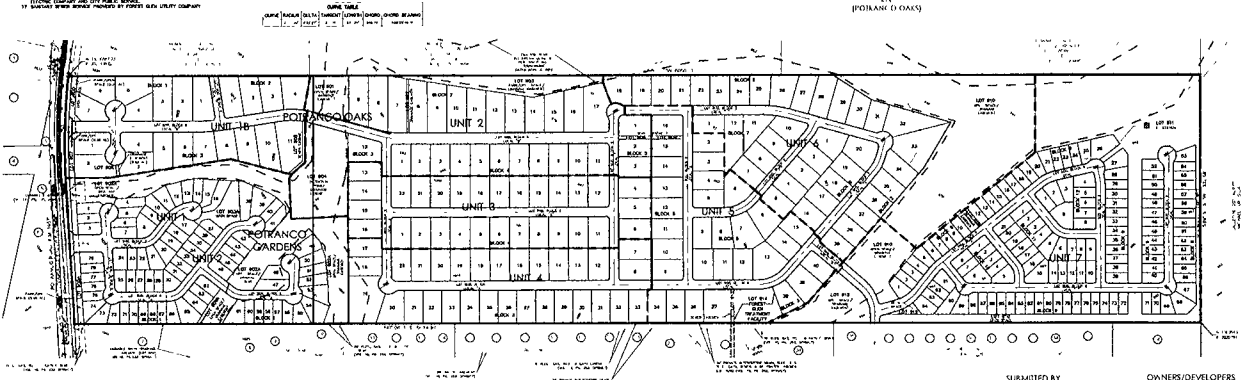
GENERAL NOTES

- [illegible]



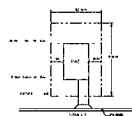
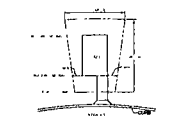
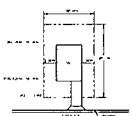
LEGEND

	U.S. N. VESSELS EXCLUDED
	UNIT LINE
	OFFICE IN PUBLIC AC COMON OF INSURANCE CO. N.Y.
	ELIZABETH GAS TELEPHONE & CABLE TELEVISION TARIFFS
	BLACK MEMBER ONLY TARIFFS



ADJACENT PROPERTY OWNERS

- [illegible]



TYPICAL RESIDENTIAL LOT
LOIRANCO GARDENS

IRREGULAR RESIDENTIAL LOT/CUL DE SAC, KNUCKS

TYPICAL RESIDENTIAL LOT

POTRANCO GARDENS
18001 NEW DEIFICATION
PRIVATE STREET
DREHNWITS/ PARKS (OPEN SPACE)
DRAIN & SEWER (OPEN SPACE)

WFOI	ANALYSIS	LABOR USE
1	1.000	0.000
	4.4.9	0.000
TOTAL	20.00	

DWELLING UNITS	PARKWAY SPACE
6	7.8%
10	9.6%
20	19.2%

POTRANCO GARS
ADOT HIGHWAY DEDICATION

NOVATE STREET
ORINKITS/ PARKS (OPEN SPACE)

DOR & SEAR (PARKS, OPEN SPACE)

UNIT	DATE INQ	LANDUSE
1	10.8	2.48 x 10 ¹⁰ m ²
2	1.75	2.48 x 10 ¹⁰ m ²
3	11.337	2.48 x 10 ¹⁰ m ²
4	15.7	2.48 x 10 ¹⁰ m ²

CHANGES WRTS	PAYMENT IN \$/ACR
1	1.18
2	1.01
3	0
4	

	174.9	at 100 °C in 10 min
8	175.0	at 100 °C in 10 min
7	175.0	at 100 °C in 10 min
TOTAL	176.530	

W	1.15
r	0
155	1.60
300	1.65

OVERALL LAND USE TABLL POTRANÇO OAXS
CONNECTIVITY RATIO CALCULATIONS

[illegible]

SUBMITTED BY
WOY TARIK RAMIREZ ENGINEERS, LLC
12770 OMBARRON PATH, SUITE 100
SAN ANTONIO, TEXAS 78248
TEL (214) 898-5051
FAX (214) 898-5085

OWNERS/DEVELOPERS
HMC REAL ESTATE DEVELOPMENT
CONTACT PERSON: HARRY HAUSMAN
15720 BANDERA ROAD SUITE #103
HELOTEN, TEXAS 78103
TEL (210) 654-1372

THE FLOODPLAIN LIMITS ON THIS MASTER DEVELOPMENT PLAN AND/OR PLANNED UNIT DEVELOPMENT ARE ESTIMATED AND SUBJECT TO CHANGE. APPROVAL OF A SUBSEQUENT PLAN ASSOCIATED WITH THIS MASTER DEVELOPMENT PLAN AND/OR PLANNED UNIT DEVELOPMENT IS SUBJECT TO THE REVIEW AND APPROVAL OF A FUTURE MASTER DEVELOPMENT PLAN IN ACCORDANCE WITH APPENDIX B, SECTION 30-316 OF THE CITY OF SAN ANTONIO UNIFIED DEVELOPMENT CODE.

BY LOCAL ESTATE DEVELOPMENT
HARRY BARNES

JOY THOMAS ANDREWS (UNLESSER EILE
PAUL LINDEN, JR., P.E.

LEGAL DESCRIPTION - POTRANGO OAKS

[illegible]

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67  (COUNTDOWN < PREVIOUS )
      IF (COUNTDOWN < 0) THEN ?

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DATE OF AMENDMENT
DECEMBER 7, 2020
388 TOTAL LOTS
TOTAL ACREAGE 185.00 Ac

POTRANCO OAKS/POTRANCO GARDENS
MASTER DEVELOPMENT PLAN AMENDMENT
MEDINA COUNTY, TEXAS

SHEET 1 OF 1

Docket No. 51870

Notice to Neighboring Systems, Landowners, Customers, and Cities
**NOTICE OF APPLICATION FOR FOREST GLEN UTILITY COMPANY TO AMEND A
 CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY
 SERVICE IN MEDINA COUNTY, TEXAS**

To: Name _____ Date Notice Mailed: April 15, 2021

 (or City)
 Street
 City State Zip

 (City State Zip)

Forest Glen Utility Company has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 21070 for the provision of retail water utility service in Medina County, Texas.

The requested area includes 0 current customers, is located approximately 5.2 miles northeast of downtown Castroville, Texas, and is generally bounded on the north by Farm to Market 1957 (Potranco Road); on the east by intersection of Farm to Market 1957 and County Road 388; on the south by 1.3 miles south of Farm to Market 1957; and on the west by Barden Parkway.

The requested area includes approximately 405 acres of uncertificated area.

The result of the application will be the addition of approximately 405 acres to CCN No. 21070.

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