



Control Number: 51923



Item Number: 8

Addendum StartPage: 0

DOCKET NO. 51923

2021 JUN 18 PM 2:37

**APPLICATION OF QUADVEST, L.P. TO §
AMEND ITS WATER CERTIFICATES §
OF CONVENIENCE AND NECESSITY IN §
MONTGOMERY COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

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

On March 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 Montgomery County, Texas. The requested service area consists of 175 acres and zero existing connections. Quadvest filed supplemental information on March 24, 2021, April 5, 2021, and May 24, 2021.

On April 23, 2021, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of June 18, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation regarding the administrative completeness of the application and a proposed procedural schedule for the further processing of this docket. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information, and, as detailed in the attached memorandum from Patricia Garica of the Infrastructure Division, and the memorandum from Fred Bednarski of the Rate Regulation Division filed on April 21, 2021 with Staff's initial insufficiency recommendation, recommends that the application is 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 landowners, neighboring utilities, political subdivisions, and other persons listed in the attached memorandum using the notice form provided by Ms. Garcia. Along with each individual notice, Staff recommends that Quadvest provide an accurate map delineating the requested service area.

Staff further recommends that Quadvest publish notice of the application for two consecutive weeks in a newspaper of general circulation in Montgomery County.

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

III. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Staff therefore 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	August 2, 2021
Deadline for Staff to file a recommendation on sufficiency of notice	August 12, 2021
Deadline to intervene	30 days after notice is issued

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively complete, that Quadvest be directed to provide notice as described in Ms. Garcia's memorandum, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: June 18, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

/s/ Kevin R. Bartz
Kevin R. Bartz
State Bar No. 24101488
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7203
(512) 936-7268 (facsimile)
kevin.bartz@puc.texas.gov

DOCKET NO. 51923

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 June 18, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin R. Bartz
Kevin R. Bartz

Public Utility Commission of Texas

Memorandum

TO: Kevin Bartz, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: June 18, 2021

RE: Docket No. 51923 – *Application of Quadvest, L.P. to Amend its Certificates of Convenience and Necessity in Montgomery County*

On March 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 Montgomery 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 0 current customers and approximately 175 acres, comprised of 175 acres of uncertificated area. The result of the application will be the addition of approximately 175 acres to CCN Nos. 11612 & 20952.

Based on the mapping review by Gary Horton, Infrastructure Division, the maps submitted on March 22, 2021 and April 5, 2021 are sufficient. Based on my technical and managerial review of the additional information filed by Quadvest on May 24, 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:
 - *Aqua Texas Inc (CCN Nos. 13203 & 21065)*
 - *Aqua Utilities Inc (CCN No. 11157)*
 - *City of Stagecoach*
 - *City of Tomball (CCN Nos. 13257 & 21103)*
 - *Coastal Water Authority*
 - *Cypresswood Estates (CCN No. 12498)*
 - *Gulf Coast Waste Disposal Authority*
 - *H-M-W Special Utility District (CCN No. 10342)*

- *Harris County Flood Control District*
- *Johnston Water Utility LLC (CCN No. 12788)*
- *North Harris County Regional Water Authority*
- *Pinehurst Decker Prairie WSC (CCN No. 11768)*
- *Port of Houston Authority*
- *San Jacinto River Authority*
- *Undine Texas LLC (CCN No. 13260)*
- *Wood Trace Municipal Utility District (MUD) 1*
- *Wood Trace MUD 2*
- *Wood Trace MUD 3*
- *Wood Trace Water Control and Improvement District of Montgomery County*

- b. The county judge of each county that is wholly or partially included in the requested area:
 - *Montgomery County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Lone Star Groundwater Conservation 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 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.tccq.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 maps 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 maps 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.
- 6) Supplement the application with a copy of the approval letter for the plans and specifications for the water plant and distribution system and wastewater permit to provide service to the requested area from TCEQ once they are received. Quadvest must file the approval letters prior to Staff making a final recommendation on the application.

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 ITS CERTIFICATES OF
CONVENIENCE AND NECESSITY TO PROVIDE WATER AND SEWER UTILITY
SERVICE IN MONTGOMERY 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 Montgomery County, Texas.

The requested area overlaps the district boundaries of:

H-M-W Special Utility District
San Jacinto River Authority

If the districts listed above do not request a public hearing, the Commission shall determine that the districts are consenting to Quadvest, L.P.'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 miles west-northwest of downtown Tomball, Texas, and is generally bounded on the north by Decker Prairie-Roschill Road; on the east by North Memory Lane and Candy Lane; on the south by Spring Creek; and on the west by Decker Prairie-Roschill Road and Bake Cemetery Road.

The requested area includes approximately 175 acres, comprised of 175 acres of uncertificated area.

The result of the application will be the addition of approximately 175 acres to CCN Nos. 11612 & 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 ITS CERTIFICATES OF
CONVENIENCE AND NECESSITY TO PROVIDE WATER AND SEWER UTILITY
SERVICE IN MONTGOMERY COUNTY, TEXAS**

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

Date Notice Mailed: _____, 20____

(Address)

(City State Zip)

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 Montgomery County, Texas.

The requested area overlaps the district boundaries of:

H-M-W Special Utility District
San Jacinto River Authority

If the districts listed above do not request a public hearing, the Commission shall determine that the districts are consenting to Quadvest, L.P.'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 miles west-northwest of downtown Tomball, Texas, and is generally bounded on the north by Decker Prairie-Rosehill Road; on the east by North Memory Lane and Candy Lane; on the south by Spring Creek; and on the west by Decker Prairie-Rosehill Road and Bake Cemetery Road.

The requested area includes approximately 175 acres, comprised of 175 acres of uncertificated area.

The result of the application will be the addition of approximately 175 acres to CCN Nos. 11612 & 20952.

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. 51923

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. 51923

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 _____