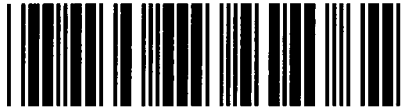




Control Number: 51933



Item Number: 3

Addendum StartPage: 0

DOCKET NO. 51933

**PETITION OF MONTGOMERY
ESTATES, LLC TO AMEND CC
WATER WORKS, INC.'S
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN CHAMBERS
COUNTY BY EXPEDITED RELEASE**

§
§
§
§
§
§

PUBLIC UTILITY COMMISSION

OF TEXAS

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

On March 24, 2021, Montgomery Estates, LLC (Montgomery Estates) filed a petition for streamlined expedited release of approximately a 98.883 acre portion of their 100 acre tract that lies within CC Water Works, Inc.'s (CC Water) water certificate of convenience and necessity (CCN) number 13038 in Chambers County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Montgomery Estates asserts that the tract of land is at least 25 acres, is not receiving water service, and is located in Chambers County, which is a qualifying county.

On March 25, 2021, the administrative law judge (ALJ) filed Order No. 1, requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to comment on the administrative completeness of the petition and notice by April 26, 2021. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed Montgomery Estates' application and, as detailed in the attached memorandum from Pai Liu of the Commission's Infrastructure Division, recommends that the petition be found administratively incomplete. Specifically, Staff has noted deficiencies in the mapping content.

II. NOTICE

Under 16 TAC § 24.245(h)(3)(F), the landowner must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition with the Commission.

Petitioner states in its filing in the certificate of service that it mailed a copy of its petition to the CCN holder, CC Water, by certified mail on the day the petition was filed with the

1

Commission. Accordingly, Staff recommends that the notice issued be found sufficient.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for the continued processing of this docket:

Event	Date
Deadline for Montgomery Estates to file information to cure deficiencies identified in Staff's memorandum	May 26, 2021
Deadline for Staff to file a supplemental recommendation on sufficiency of the petition and proposed procedural schedule	June 25, 2021

IV. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the foregoing recommendation.

Dated: April 26, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

Rashmin J. Asher
Managing Attorney

/s/ Arnett D. Caviel
Arnett D. Caviel
State Bar No. 24121533
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7245
(512) 936-7268 (facsimile)
Arnett.Caviel@puc.texas.gov

DOCKET NO. 51933

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 April 26, 2021 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Arnett D. Caviel
Arnett D. Caviel

Public Utility Commission of Texas

Memorandum

TO: Arnett Caviel, Attorney
Legal Division

FROM: Pai Liu, Policy Advisor
Infrastructure Division

DATE: April 26, 2021

RE: Docket No. 51933 – *Petition of Montgomery Estates, LLC to Amend CC Water Works, Inc.'s Certificate of Convenience and Necessity in Chambers County by Expedited Release*

On March 24, 2021, Montgomery Estates, LLC (Montgomery Estates) filed a petition for streamlined expedited release from CC Water Works, Inc.'s (CC Water) water certificate of convenience and necessity (CCN) No. 13038 in Chambers County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Montgomery Estates asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Chambers County, which is a qualifying county.

Montgomery Estates submitted a sworn affidavit attesting that the property was not receiving water service from CC Water and a warranty deed confirming Montgomery Estates' ownership of the tract of land.

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

Based on the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review of the information provided by Montgomery Estates, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Mapping Content:

Montgomery Estates did not provide sufficient digital mapping data, a metes and bounds survey, and general location and detailed maps clearly showing the entire subject property owned by the petitioner.

According to the petition and the field notes in the warranty deed, the entire subject property includes a 100-acre tract of land. The general location and detailed maps should only designate the outer boundary of the entire subject property and should not identify the boundaries of

existing CCNs. The digital mapping data was not provided in a useable, projected, polygon shapefile format.

I recommend Montgomery Estates submit the following items to resolve the mapping deficiencies:

- A revised general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
- A revised detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Digital mapping data for the requested area, as a single polygon record, in a shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).
- Metes and bounds survey of the entire subject property sealed or embossed by either a licensed state surveyor or a registered professional land surveyor.

Staff recommends that Montgomery Estates obtain additional mapping guidance from the PUC's mapping staff, Ms. Tracy Montes by email at tracy.montes@puc.texas.gov, to resolve the mapping deficiencies.