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DOCKET NO. 52482

PETITION OF BRENT DAVIS TO	§	PUBLIC UTILITY COMMISSION
DISCONTINUE SERVICE AND	§	
CANCEL THE CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY OF	§	
DREW T. SPENCER DBA	§	
CYPRESSWOOD ESTATES IN	§	
MONTGOMERY COUNTY	§	

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

I. INTRODUCTION

On September 9, 2021, William Brent Davis (Mr. Davis) filed a motion to revoke the Certificate of Convenience and Necessity (CCN) of Drew T. Spencer d/b/a Cypresswood Estates (Cypresswood). Mr. Davis seeks to have the CCN No. 12498 revoked under 16 Texas Administrative Code (TAC) § 24.245(d)(2).

On May 29, 2024, the administrative law judge (ALJ) filed Order No. 16, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation regarding the administrative completeness of the petition, along with a proposed procedural schedule, if appropriate, by June 13, 2024. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and supplemental information and, as detailed in the attached memorandum from Patricia Garcia of the Infrastructure Division, recommends that the supplemented petition is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

III. NOTICE

At this time, Staff recommends that Mr. Davis 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 Mr. Davis provide an accurate map delineating the requested service area. Staff further recommends that Mr. Davis 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 Mr. Davis 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. Mr. Davis should also provide a completed publisher's affidavit and a copy of the newspaper tear sheets demonstrating publication. Finally, Staff recommends that Mr. Davis use the attached notices and affidavits to meet these requirements.

IV. PROCEDURAL SCHEDULE

Staff recommends the supplemented petition be found administratively complete. Staff therefore propose the following procedural schedule:

Event	Date
Deadline for Mr. Davis 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	July 29, 2024
Deadline for Staff to file a recommendation on sufficiency of notice	August 8, 2024
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

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

Dated: June 13, 2024

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Lopez Wagley
Division Director

Anthony Kanalas
Managing Attorney

/s/ Cheri Hasz
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DOCKET NO. 52482

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on June 13, 2024, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Cheri Hasz
Cheri Hasz

Public Utility Commission of Texas

Memorandum

TO: Cheri Hasz, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: June 13, 2024

RE: Docket No. 52482 – *Petition of Brent Davis to Discontinue Service and Cancel the Certificate of Convenience and Necessity of Drew T. Spencer dba Cypresswood Estates in Montgomery County*

On September 9, 2021, Brent Davis (Mr. Davis) filed a petition to discontinue water service and cancel Drew T. Spencer dba Cypresswood Estates' (Cypresswood Estates) certificate of convenience and necessity (CCN) No. 12498 in Montgomery County. Mr. Davis asserts SP Utility Company, Inc. (SP Utility) water CCN No. 12978, is now providing service to the requested areas. I am reviewing this docket under Texas Water Code (TWC) § 13.254(a) and 16 Texas Administrative Code (TAC) § 24.245(d).

Based on the mapping review by Tracy Montes, Infrastructure Division, the maps and digital mapping data filed with Item 34 on April 25, 2024 are sufficient.

Cypresswood Estates Subdivision: General Location Map (1 of 2) and Detailed Map (1 of 2)

The requested area includes 0 customer connections and approximately 179 acres, comprised of 179 acres to decertify from CCN No. 12498.

The petition proposes the subtraction of approximately 179 acres from CCN No. 12498 that currently has dual certification with SP Utility with CCN No. 12978. The result of this application will be single certification of 179 acres for the Cypresswood Estates Subdivision remaining for SP Utility (CCN No. 12978).

Garden West Subdivision: General Location Map (2 and 2) and Detailed Map (2 or 2)

The requested area includes 0 customer connections and approximately 77 acres, comprised of 77 acres to decertify from CCN No. 12498.

The petition proposes the subtraction of approximately 77 acres from CCN No. 12498 that currently has dual certification with SP Utility with CCN No. 12978. The result of this application will be single certification of 77 acres for the Garden West Subdivision remaining for SP Utility (CCN No. 12978).

The requested area includes 0 customer connections and proposes the cancellation of CCN No. 12498 with approximately 256 total acres.

Based on my technical and managerial review of the additional information filed on April 25, 2024, I recommend that the application be deemed administratively complete.

Based on the mapping review and my technical and managerial review of the additional information filed by Mr. Davis on April 25, 2024, I recommend that the application be deemed administratively complete. I further recommend that Mr. Davis 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 No. 13203)*
 - *Bauer Landing WCID*
 - *C & R Water Supply Inc. (CCN No. 13098)*
 - *City of Conroe (CCN No. 10339)*
 - *Coastal Water Authority*
 - *Crystal Springs Water Company Inc. (CCN No. 13098)*
 - *Gulf Coast Authority*
 - *Harris County Flood Control District*
 - *Harris County MUD 542*
 - *H-M-W Special Utility District (SUD) CCN No. 10342)*
 - *Montgomery County MUD 42*
 - *Montgomery County MUD 107*
 - *Montgomery County MUD 132*
 - *Montgomery County MUD 142*
 - *Montgomery County MUD 159*
 - *MSEC Enterprises Inc. (CCN No. 12887)*
 - *North Harris County Regional Water Authority*
 - *Port of Houston Authority*
 - *San Jacinto River Authority*
 - *SP Utility Company Inc. (CCN No. 12978)*
 - *Undine Texas LLC (CCN No. 13260)*
 - *Woodland Oaks Utility Company Inc (CCN No. 12947)*
 - 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:
 - *Harris-Galveston Subsidence District*
 - *Lone Star Groundwater Conservation District*
- d. Each landowner that 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 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 <https://www14.tceq.texas.gov/iwud/index.cfm>.

- 2) Provide notice using the attached notice forms.
- 3) 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.
- 4) Within 30 days of the date the notice was mailed, Mr. Davis must file the following as proof of notice in the docket:
 - a. A copy of the notices (1 example of each type of notice).
 - b. The general location and detailed maps deemed sufficient during administrative review.
 - c. The signed affidavits for mailed notices.
 - d. A list specifying every person and entity to whom notice was provided.
 - e. If there are multiple landowners provide:
 - i. A list of the applicable county appraisal district parcels located within the requested area. The list should include the following for a landowner of a tract of land that is at least 25 acres or more and is wholly or partially within the requested area;
 - 1. Each property ID;
 - 2. Landowner Name;
 - 3. Address; and
 - 4. The acreage owned by each listed landowner.

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

Notice to Landowners

NOTICE OF PETITION OF BRENT DAVIS TO DISCONTINUE SERVICE AND CANCEL THE CERTIFICATE OF CONVENIENCE AND NECESSITY OF DREW T. SPENCER DBA CYPRESSWOOD ESTATES, CCN NO. 12498, IN MONTGOMERY COUNTY, TEXAS.

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

(Address)

(City State Zip)

Brent Davis, owner of Drew T. Spencer dba Cypresswood Estates, has filed an application with the Public Utility Commission of Texas to discontinue service and cancel water Certificate of Convenience and Necessity (CCN) No. 12498 in Montgomery County, Texas. Drew T. Spencer dba Cypresswood Estates water system no longer provides water service to the requested area. Water service is now being provided to the requested area through the water system of SP Utility Company, Inc., CCN No. 12978.

Cypresswood Estates Subdivision: General Location Map (1 of 2) and Detailed Map (1 of 2)

The requested area is located approximately 7 miles west of downtown Tomball, Texas, and is generally bounded on the north by the intersection of Doe Drive and County Road 9987; on the east by Sanders Cemetery Road; on the south by Spring Creek and county line of Montgomery County and Harris County; and on the west by Bergman Drive.

The requested area includes 0 customer connections and approximately 179 acres, comprised of 179 acres to decertify from CCN No. 12498.

The petition proposes the subtraction of approximately 179 acres from CCN No. 12498 that currently has dual certification with SP Utility Company, Inc. with CCN No. 12978. The result of this application will be single certification of 179 acres for the Cypresswood Estates Subdivision remaining for SP Utility Company, Inc. (CCN No. 12978).

Garden West Subdivision: General Location Map (2 and 2) and Detailed Map (2 or 2)

The requested area is located approximately 3.6 miles west of downtown Conroe, Texas, and is generally bounded on the north by West Fork San Jacinto River; on the east by Steve Owen Road; on the south by Farm to Market 2854; and on the west by Allen Drive.

The requested area includes 0 customer connections and approximately 77 acres, comprised of 77 acres to decertify from CCN No. 12498.

The petition proposes the subtraction of approximately 77 acres from CCN No. 12498 that currently has dual certification with SP Utility Company, Inc. with CCN No. 12978. The result of this application will be single certification of 77 acres for the Garden West Subdivision remaining for SP Utility Company, Inc. (CCN No. 12978).

The requested area includes 0 customer connections and proposes the cancellation of CCN No. 12498 with approximately 256 total acres.

See enclosed maps 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.

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

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO LANDOWNERS AND CURRENT CUSTOMERS DOCKET NO. 52482

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice via first-class mail to the following landowners and customers (attach a list, if necessary):

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 _____

Notice to Neighboring Systems and Other Affected Parties

**NOTICE OF PETITION OF BRENT DAVIS TO DECERTIFY THE CERTIFICATE OF
CONVENIENCE AND NECESSITY OF DREW T. SPENCER DBA CYPRESSWOOD
ESTATES, CCN NO. 12498, IN MONTGOMERY COUNTY, TEXAS.**

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

(Address)

(City State Zip)

Brent Davis, owner of Drew T. Spencer dba Cypresswood Estates, has filed an application with the Public Utility Commission of Texas to discontinue service and cancel water Certificate of Convenience and Necessity (CCN) No. 12498 in Montgomery County, Texas. Drew T. Spencer dba Cypresswood Estates water system no longer provides water service to the requested area. Water service is now being provided to the requested area through the water system of SP Utility Company, Inc., CCN No. 12978.

Cypresswood Estates Subdivision: General Location Map (1 of 2) and Detailed Map (1 of 2)

The requested area is located approximately 7 miles west of downtown Tomball, Texas, and is generally bounded on the north by the intersection of Doe Drive and County Road 9987; on the east by Sanders Cemetery Road; on the south by Spring Creek and county line of Montgomery County and Harris County; and on the west by Bergman Drive.

The requested area includes 0 customer connections and approximately 179 acres, comprised of 179 acres to decertify from CCN No. 12498.

The petition proposes the subtraction of approximately 179 acres from CCN No. 12498 that currently has dual certification with SP Utility Company, Inc. with CCN No. 12978. The result of this application will be single certification of 179 acres for the Cypresswood Estates Subdivision remaining for SP Utility Company, Inc. (CCN No. 12978).

Garden West Subdivision: General Location Map (2 and 2) and Detailed Map (2 or 2)

The requested area is located approximately 3.6 miles west of downtown Conroe, Texas, and is generally bounded on the north by West Fork San Jacinto River; on the east by Steve Owen Road; on the south by Farm to Market 2854; and on the west by Allen Drive.

The requested area includes 0 customer connections and approximately 77 acres, comprised of 77 acres to decertify from CCN No. 12498.

The petition proposes the subtraction of approximately 77 acres from CCN No. 12498 that currently has dual certification with SP Utility Company, Inc. with CCN No. 12978. The result of this application will be single certification of 77 acres for the Garden West Subdivision remaining for SP Utility Company, Inc. (CCN No. 12978).

The requested area includes 0 customer connections and proposes the cancellation of CCN No. 12498 with approximately 256 total acres.

See enclosed maps showing the requested area.

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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.

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

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 52482

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice via first-class mail to the following entities and affected parties (attach a list, if necessary):

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 _____