



Control Number: 52556



Item Number: 13

**Peter M. Lake**  
Chairman

**Will McAdams**  
Commissioner

**Lori Cobos**  
Commissioner

**Jimmy Glotfelty**  
Commissioner



**Greg Abbott**  
Governor

**Thomas J. Gleeson**  
Executive Director

2022 JAN -6 PM 2:15

IN DEPT. OF COMMERCE  
FILING CLERK

## *Public Utility Commission of Texas*

**TO:** Chairman Peter M. Lake  
Commissioner Will McAdams  
Commissioner Lori Cobos  
Commissioner Jimmy Glotfelty

**FROM:** Stephen Journeay  
Commission Counsel

**RE:** Certification of Issues  
January 27, 2022, Open Meeting

Docket No. 52556 *Petition of Montgomery Estates, LLC to Amend Gulf Coast Authority's Certificate of Convenience and Necessity in Chambers County by Expedited Release.*

**DATE:** January 6, 2022

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On December 23, 2021, the administrative law judge in the above referenced docket requested certification to the Commission of the question set out in the attached Order No. 4.

Under 16 Texas Administrative Code § 22.127 (TAC), the Commission shall consider this request for certification at an open meeting that is not earlier than twenty days after its submission. For this reason, I have set this case for your consideration at the **January 27, 2022**, open meeting. The requirement of 16 TAC § 22.127(d), that the Commission must issue a written decision on the certified issues within thirty days of its submission is waived.

The parties were ordered by the administrative law judge to file briefs on the certified issues, if they wished, by January 5, 2022.

cc: All Parties of Record  
without attachment

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**DOCKET NO. 52556**

<b>PETITION OF MONTGOMERY</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>ESTATES, LLC TO AMEND GULF</b>	<b>§</b>	
<b>COAST AUTHORITY'S CERTIFICATE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>	
<b>IN CHAMBERS COUNTY BY</b>	<b>§</b>	
<b>EXPEDITED RELEASE</b>	<b>§</b>	

**ORDER NO. 4**  
**CERTIFYING AN ISSUE TO THE COMMISSION AND ABATING PROCEEDING**

On September 13, 2021, Montgomery Estates, LLC filed a petition to amend Gulf Coast Authority's sewer certificate of convenience and necessity number 20465 in Chambers County by streamlined expedited release. In Order No. 2 filed on October 14, 2021, the administrative law judge (ALJ) found the petition administratively complete

In Order No 3 filed on December 3, 2021, the ALJ required the parties to clarify the population of Chambers County. In response, the parties agreed that, at the time of filing of the petition and at the time the petition was declared administratively complete, the best data on Chambers County's population was from a U.S. Census Bureau <sup>1</sup> estimate on July 1, 2019. That estimate indicates that the population of the county was 43,837. However, according to a more recent U.S. Census Bureau estimate<sup>2</sup> released in December 2021, Chamber County's population is 46,571.

Texas Water Code (TWC) § 13.2541(b) states.

[T]he owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service may petition for expedited release of the area from a certificate of public convenience and necessity in the manner provided by this section and is entitled to that release if the landowner's property is located in a county with a population of at least one million, a county adjacent to a county with a population of at least one million, or a county with a population of more than 200,000 and less than 220,000 that does not contain a public or private university that had a total

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<sup>1</sup> See *Petition of Montgomery Estates, LLC to Amend Gulf Coast Authority's Certificate of Convenience and Necessity in Chambers County by Expedited Release*, Staff's Clarification Filing (Dec. 9, 2021)(citing U.S. Census Bureau, Census Data for Chambers County QuickFacts Chambers County, Texas (2020))

<sup>2</sup> *Id.*

enrollment in the most recent fall semester of 40,000 or more, and not in a county that has a population of *more than 45,500 and less than 47,500*<sup>3</sup>

Chambers County is adjacent to Harris County, which has a population of more than one million. The question in this case, therefore, is whether Chambers County has a population between 45,500 and 47,500. If so, it is not a qualifying county; if not, it is a qualifying county.

The ALJ believes the following issue must be addressed before further processing of the petition.

For purposes of identifying whether a county is a qualifying county under TWC § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h)(2), is population of a county determined at the time the petition is filed, at the time the petition is deemed administratively complete, or at the time the Commission issues a decision on the request for release?

The ALJ believes the question is an appropriate issue for certification to the Commission under 16 TAC § 22.127(b)(1). Accordingly, under 16 TAC § 22.127(a), the ALJ certifies to the Commission the question posed above and abates this proceeding while the certified issue is pending.

If any party wishes to file briefing on the certified issue, it must do so by January 5, 2022.

**Signed at Austin, Texas the 23rd day of December 2021.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**CHRISTINA DENMARK**  
**ADMINISTRATIVE LAW JUDGE**

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<sup>3</sup> Emphasis added.