



Filing Receipt

Received - 2022-11-03 05:02:00 PM
Control Number - 53937
ItemNumber - 16

PUC DOCKET NO. 53937

APPLICATION OF STONETOWN	§	PUBLIC UTILITY COMMISSION
WINDFERN UTILITIES, LLC AND	§	
TRINITY @ WINDFERN LLC FOR	§	OF TEXAS
SALE, TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN HARRIS COUNTY	§	

STONETOWN WINDFERN UTILITIES, LLC
PROOF OF NOTICE

Stonetown Windfern Utilities, LLC (“Windfern”) submits this Proof of Notice in response to Order No. 4, which was issued in this proceeding on October 3, 2022. Order No. 4 directed Windfern to submit this Proof of Notice by November 14, 2022. Therefore, this pleading is timely filed.

Attached to this pleading as “Exhibit 1” is an Affidavit of Notice to Neighboring Utilities, Districts, Cities, and Affected Parties along with a copy of the example notice, including the maps that were attached to the notice, and a list of all recipients to whom notice was provided, including those entities Staff specifically requested Windfern to notify. Also attached as “Exhibit 2,” is an Affidavit of Notice to Current Customers attesting to the service of individual notice to all current customers at the time notice was provided, as well as an example of the notice provided, including the maps that were attached to the notice. The notice and proof of notice are provided in the form and manner described by Ms. Mathis’ memorandum attached to Commission Staff’s recommendation issued on September 30, 2022. Notice to neighboring utilities, districts, cities, and affected parties was mailed on October 18, 2022 and notice to all current customers was mailed on October 19, 2022.

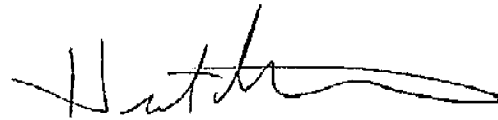
With regard to the example notice included in Exhibit 2, the notice to current customers provides October 20, 2022 as the “Date Notice Mailed” at the top of the form. However, the Affidavit of Notice to Current Customers correctly states that notice to current customers was mailed on October 19, 2022. Due to this inconsistency, and to the extent it is deemed necessary by the Administrative Law Judge (“ALJ”), Windfern respectfully requests a good cause exception under 16 Texas Administrative Code (“TAC”) § 24.2(b) because while 16 TAC

§ 24.239(c) requires notice to be provided “on the form prescribed by the commission,” the notice mailed to current customers on October 19, 2022 meets all the requirements specified in 16 TAC § 24.239(c)(1)(A)-(D). Consequently, there is no substantive or procedural harm that results from the notice being mailed one day earlier than stated on the form notice. Windfern has conferred with Commission Staff who has indicated that it supports the granting of a good cause exception.

Therefore, Windfern respectfully requests that the ALJ issue an order deeming the notice provided to neighboring utilities, districts, cities, affected parties, and current customers sufficient and, to the extent necessary, granting Windfern’s request for a good cause exception.

Respectfully submitted,

JACKSON WALKER L.L.P.

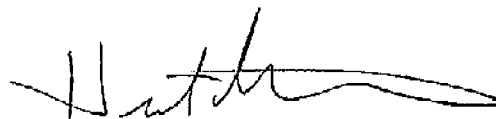


Heath D. Armstrong
State Bar No. 24105048
100 Congress Avenue, Suite 1100
Austin, Texas 78701
Telephone: (512) 236-2098
Facsimile: (512) 391-2112
Email: harmstrong@jw.com

**ATTORNEY FOR STONETOWN
WINDFERN UTILITIES, LLC**

CERTIFICATE OF SERVICE

I certify that notice of the filing of this document was provided to all parties of record via electronic mail on November 3, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.



Heath D. Armstrong

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, DISTRICTS,
CITIES, AND AFFECTED PARTIES
DOCKET NO. 53937

STATE OF TEXAS
COUNTY OF TRAVIS

Stonetown Windfern Utilities, LLC has provided individual notice (See Attachment A as an example notice and the maps showing the requested area) to the following Neighboring Utilities, Districts, Cities and Affected Parties:

DATE OF NOTICE

Attachment B – List of Neighboring Utilities, Districts,
Cities, and Affected Parties

October 18, 2022

OATH

I, Donna Brown Willis, being duly sworn, file this form as an authorized representative of Stonetown Windfern Utilities, LLC (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.

Donna Brown Willis
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.

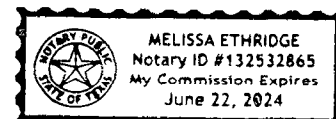
Subscribed and sworn to before me this 3rd day of November, 2022, to certify which witness my hand and seal of office.

[Signature]
Notary Public in and for the State of Texas

Melissa Ethridge
Print or Type Name of Notary Public

Commission Expires 6/22/2024

Notice Form Updated: March 31, 2022



Docket No. 53937

Notice to Current Customers, Neighboring Systems, and Cities

STONETOWN WINDFERN UTILITIES, LLC, NOTICE OF INTENT TO PURCHASE WATER AND SEWER FACILITIES, TO TRANSFER ALL OF THE WATER AND SEWER SERVICE AREA UNDER CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) NOS. 13239 AND 21088 FROM TRINITY @ WINDFERN LLC, AND OBTAIN NEW WATER AND SEWER CCN NUMBERS IN HARRIS COUNTY, TEXAS

To:

Date Notice Mailed: October 18, 2022

«RESIDENT»

«MAILING_ADDRESS»

«CITY_STATE__ZIP»

<u>Stonetown Windfern Utilities, LLC</u>	<u>211 E. 7th St., Suite 620</u>	<u>Austin, TX</u>	<u>78701</u>
(Stonetown Windfern Utilities, LLC's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase all of the water and sewer facilities and to transfer all of the water and sewer certificated service area under water CCN No. 13239 and sewer CCN No. 21088 and obtain new water and sewer CCN numbers in Harris County, TX from:

<u>Trinity @ Windfern LLC</u>	<u>904 Windfern Road</u>	<u>Houston, TX</u>	<u>77064</u>
(Trinity @ Windfern LLC's Name)	(Address)	(City), (State)	(Zip Code)

The sale is scheduled to take place if approved by the Commission (Texas Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivision:
Trinity Windfern Mobile Home Park.

The requested area includes 92 customer connections, is located approximately 2.4 mile(s) northeast of downtown Jersey Village, Texas, and is generally bounded on the north by Zaka Road; on the east by Windfern Road; on the south by Dewberry Blossom Lane; and on the west by Cornett Drive.

The requested area includes approximately 10 acres, comprised of transferred area from Trinity @ Windfern LLC (CCN Nos. 13239 & 21088) to Stonetown Windfern Utilities, LLC new water and sewer CCN number.

The application proposes the subtraction of approximately 10 acres from CCN Nos. 13239 & 21088 and the addition of approximately 10 acres to Stonetown Windfern Utilities, LLC new water and sewer CCN number.

See enclosed maps showing the requested area.

This transaction will not have an effect on the current customer's rates and services.

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.

Maxwell Key
Utility Representative

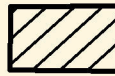
Stonetown Windfern Utilities, LLC
Utility Name

Application Exhibit

Exhibit J-1

8

TOLL



Requested Area to Transfer

from Trinity @ Windfern, LLC (CCN Nos. 13239 & 21088)

to Stonetown Windfern Utilities, LLC

New Water and Sewer CCN Number

MAP LEGEND:



Requested Area

MAP SCALE: 1" = 1,000'

0 750 1,500 3,000 Feet

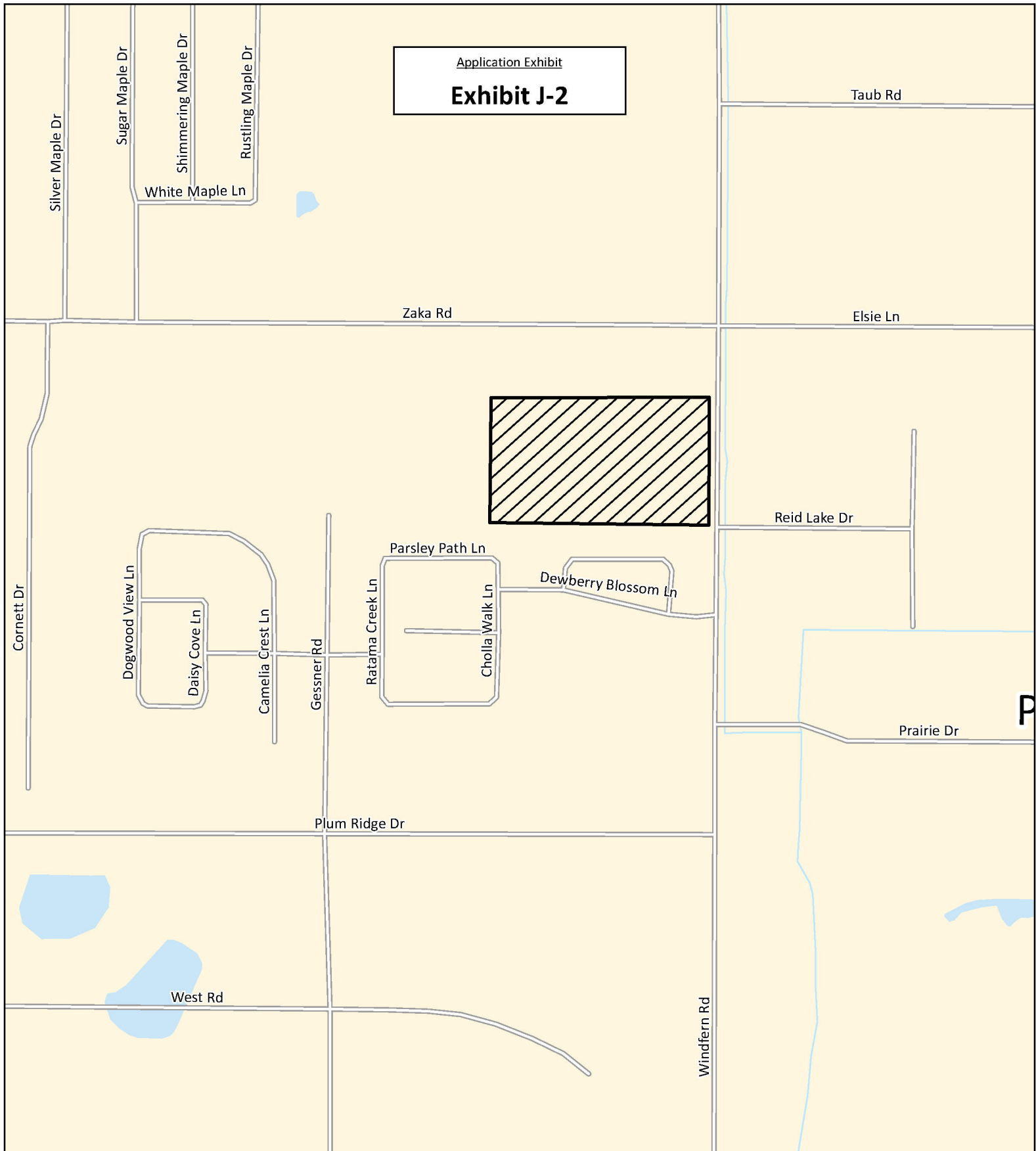
August 26, 2022

Requested area is located east of Cornett Drive,
south of Zaka Road, west of Windfern Road,
and north of Plum Ridge Drive.

Harris County, TX

Application Exhibit

Exhibit J-2



**Requested Area to Transfer
from Trinity @ Windfern, LLC (CCN Nos. 13239 & 21088)
to Stonetown Windfern Utilities, LLC
New Water and Sewer CCN Number**

MAP LEGEND:



Requested Area



MAP SCALE: 1" = 500'

0 250 500 1,000
Feet

August 26, 2022

Requested area is located east of Cornett Drive,
south of Zaka Road, west of Windfern Road,
and north of Plum Ridge Drive.

Harris County, TX

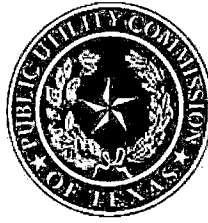
Attachment B - Windfern List of Cities,
Districts, and Neighboring Retail Public Utilities

ATTACHMENT B

Name	Address	City	State	Zip
Harris County Flood Control District	9900 Northwest Freeway	Houston	TX	77092
Harris County MUD 6	3200 Southwest Freeway Suite 2600 Allen Boone Humphries Robinson LLP	Houston	TX	77027
Harris County MUD 6	c/o F. Matuska Inc. 4600 Hwy 6 N. Suite 315	Houston	TX	77084
Harris County MUD 23	5120 Bayard Ln Michael A. Cole, PC	Houston	TX	77006
Harris County MUD 23	P. O. Box 73109	Houston	TX	77273
Harris County MUD 25	10000 Memorial Dr. Suite 260	Houston	TX	77024
Harris County MUD 25	1621 Milam St. Floor 3	Houston	TX	77002
Harris County MUD 220	2727 Allen Parkway Suite 1100 Smith, Murdaugh, Little & Bonham LLP	Houston	TX	77019
Harris County MUD 220	1621 Milam St. Floor 3	Houston	TX	77002
Harris County MUD 261	2727 Allen Parkway Suite 1100 Smith, Murdaugh, Little & Bonham LLP	Houston	TX	77019
Harris County MUD 366	2727 Allen Parkway Suite 1100 Smith, Murdaugh, Little & Bonham LLP	Houston	TX	77019
Harris County MUD 366	1300 Post Oak Blvd. Suite 1600	Houston	TX	77056
Harris County WCID 133	6750 West Loop S Suite 865 Strawn and Richardson PC	Bellaire	TX	77401
Harris County WCID 133	1155 Dairy Ashford, Suite 875 Strawn and Richardson PC	Houston	TX	77079
Near Northwest Management District	7603 Antoine Dr.	Houston	TX	77088
Northwest Park MUD	2727 Allen Parkway Suite 1100 Smith, Murdaugh, Little & Bonham LLP	Houston	TX	77019
Northwest Park MUD	4234 Richmond Ave.	Houston	TX	77027
Reid Road MUD 1	1621 Milam St. Floor 3	Houston	TX	77002
Reid Road MUD 1	2727 Allen Parkway Suite 1100 Smith, Murdaugh, Little & Bonham LLP	Houston	TX	77019
Reid Road MUD 2	2800 Post Oak Blvd. Suite 4100	Houston	TX	77056
Reid Road MUD 2	1300 Post Oak Blvd. Suite 1600	Houston	TX	77056
Rolling Fork PUD	1155 Dairy Ashford Road, Suite 875	Houston	TX	77079
Rolling Fork PUD	12012 Wickchester Ln Suite 120	Houston	TX	77079

Sunbelt FWSD	410 W. Gulf Bank Road	Houston	TX	77037
West Harris County MUD 1	10000 Memorial Dr. Suite 260	Houston	TX	77024
	Young & Brooks			
West Harris County MUD 1	1621 Milam St. Floor 3	Houston	TX	77002
West Harris County MUD 9	6363 Woodway Dr. Suite 800	Houston	TX	77057
	Bacon & Wallace LLP			
West Harris County MUD 9	1621 Milam St. Floor 3	Houston	TX	77002
West Harris County MUD 10	10000 Memorial Dr. Suite 260	Houston	TX	77024
	Young & Brooks			
West Harris County MUD 10	1621 Milam St. Floor 3	Houston	TX	77002
West Harris County MUD 11	10000 Memorial Dr. Suite 260	Houston	TX	77024
	Young & Brooks			
West Harris County MUD 11	1621 Milam St. Floor 3	Houston	TX	77002
West Harris County MUD 21	10000 Memorial Dr. Suite 260	Houston	TX	77024
	Young & Brooks			
West Harris County MUD 21	1621 Milam St. Floor 3	Houston	TX	77002
Windfern Forest Utility District	711 Louisiana St. Suite 2300	Houston		77002
	Bracewell & Guiliani		TX	
Windfern Forest Utility District	12012 Wickchester Ln Suite 120	Houston	TX	77079
Harris County Judge Lina Hidalgo	1001 Preston, Suite 911	Houston	TX	77002
City of Houston, Mayor Sylvester Turner	P. O. Box 1562	Houston	TX	77251
City of Jersey Village, Mayor Bobby Warren	16327 Lakeview Dr.	Jersey Village	TX	77040
Coastal Water Authority	1160 Dairy Ashford St., Suite 500	Houston	TX	77079
Coastal Water Authority	1801 Main Street, Suite 800	Houston	TX	77002
Gulf Coast Authority	910 Bay Area Blvd.	Houston	TX	77058
North Harris County Regional Water Authority	3648 Cypress Creek Parkway, Suite 110	Houston	TX	77068
Port of Houston Authority	111 East Loop N	Houston	TX	77029
Harris Galveston Subsidence District	1660 W Bay Area Blvd.	Friendswood	TX	77546

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS DOCKET NO. 53937

STATE OF COLORADO
COUNTY OF ARAPAHOE

Stonetown Windfern Utilities, LLC has provided individual notice to its current customers:

DATE OF NOTICE

Attachment A as a sample of the Notice and Maps provided
to all current customers

October 19, 2022

OATH

I, ROY LAPIDUS, being duly sworn, file this form as
AUTHORIZED REPRESENTATIVE (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.

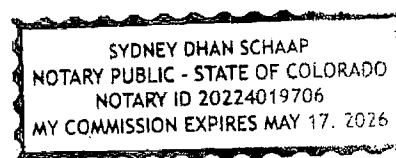
[Signature]
Applicant's Authorized Representative

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 19th day of October, 2022,
to certify which witness my hand and seal of office.

[Signature]
Notary Public in and for the State of Colorado

Sydney Dhan Schaap
Print or Type Name of Notary Public



Commission Expires May 17th, 2026

*Docket No. 53937****Notice to Current Customers, Neighboring Systems, and Cities***

STONETOWN WINDFERN UTILITIES, LLC, NOTICE OF INTENT TO PURCHASE WATER AND SEWER FACILITIES, TO TRANSFER ALL OF THE WATER AND SEWER SERVICE AREA UNDER CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) NOS. 13239 AND 21088 FROM TRINITY @ WINDFERN LLC, AND OBTAIN NEW WATER AND SEWER CCN NUMBERS IN HARRIS COUNTY, TEXAS

To:

Date Notice Mailed: October 20, 2022

«RESIDENT»

«MAILING_ADDRESS»

«CITY_STATE__ZIP»

<u>Stonetown Windfern Utilities, LLC</u>	<u>211 E. 7th St., Suite 620</u>	<u>Austin, TX</u>	<u>78701</u>
(Stonetown Windfern Utilities, LLC's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase all of the water and sewer facilities and to transfer all of the water and sewer certificated service area under water CCN No. 13239 and sewer CCN No. 21088 and obtain new water and sewer CCN numbers in Harris County, TX from:

<u>Trinity @ Windfern LLC</u>	<u>904 Windfern Road</u>	<u>Houston, TX</u>	<u>77064</u>
(Trinity @ Windfern LLC's Name)	(Address)	(City), (State)	(Zip Code)

The sale is scheduled to take place if approved by the Commission (Texas Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivision:

Trinity Windfern Mobile Home Park.

The requested area includes 92 customer connections, is located approximately 2.4 mile(s) northeast of downtown Jersey Village, Texas, and is generally bounded on the north by Zaka Road; on the east by Windfern Road; on the south by Dewberry Blossom Lane; and on the west by Cornett Drive.

The requested area includes approximately 10 acres, comprised of transferred area from Trinity @ Windfern LLC (CCN Nos. 13239 & 21088) to Stonetown Windfern Utilities, LLC new water and sewer CCN number.

The application proposes the subtraction of approximately 10 acres from CCN Nos. 13239 & 21088 and the addition of approximately 10 acres to Stonetown Windfern Utilities, LLC new water and sewer CCN number.

See enclosed maps showing the requested area.

This transaction will not have an effect on the current customer's rates and services.

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.

Stewart Dix
Utility Representative

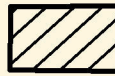
Stonetown Windfern Utilities, LLC
Utility Name

Application Exhibit

Exhibit J-1

8

TOLL



Requested Area to Transfer

from Trinity @ Windfern, LLC (CCN Nos. 13239 & 21088)

to Stonetown Windfern Utilities, LLC

New Water and Sewer CCN Number

MAP LEGEND:



Requested Area

MAP SCALE: 1" = 1,000'

0 750 1,500 3,000 Feet

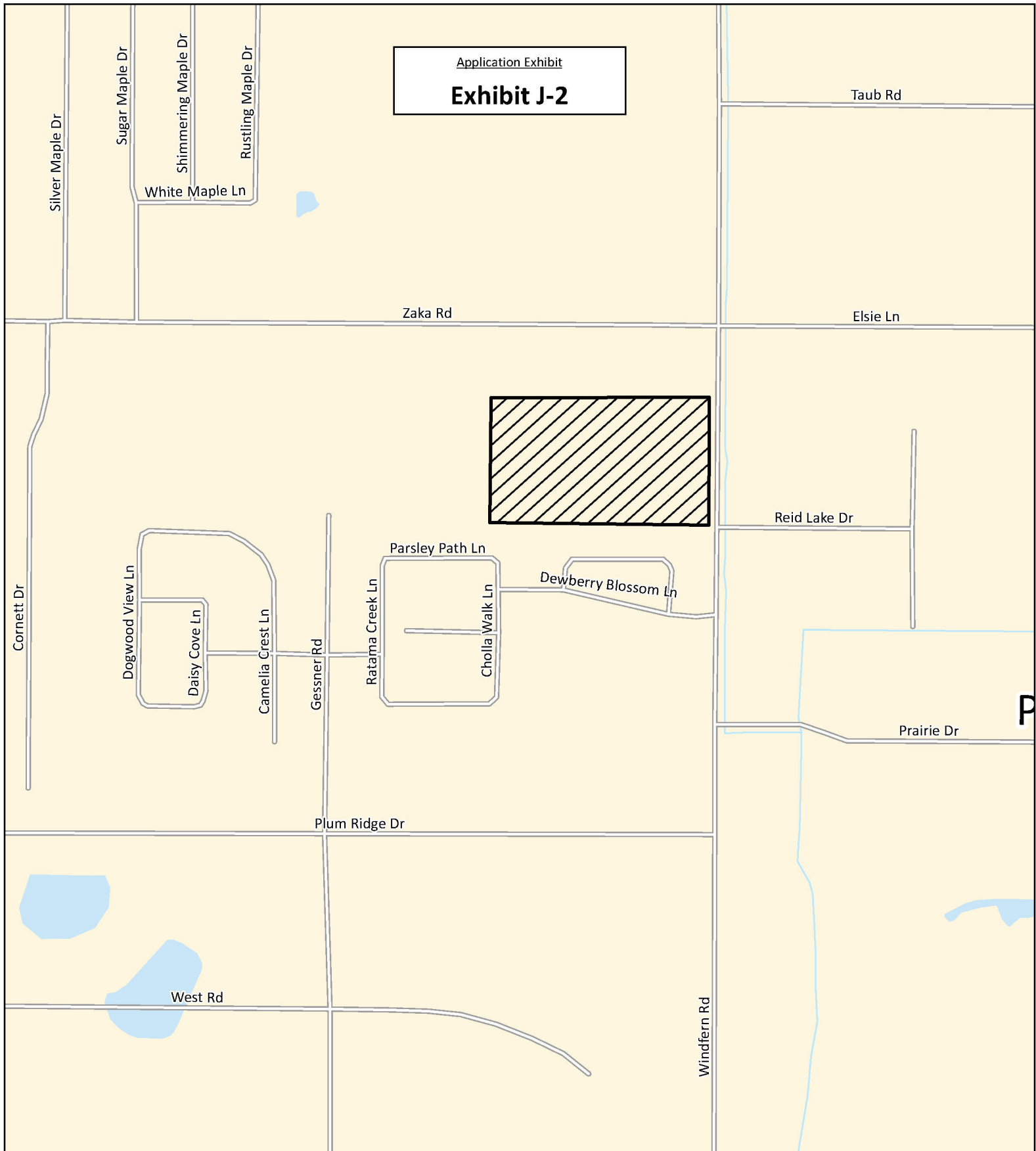
August 26, 2022

Requested area is located east of Cornett Drive,
south of Zaka Road, west of Windfern Road,
and north of Plum Ridge Drive.

Harris County, TX

Application Exhibit

Exhibit J-2



**Requested Area to Transfer
from Trinity @ Windfern, LLC (CCN Nos. 13239 & 21088)
to Stonetown Windfern Utilities, LLC
New Water and Sewer CCN Number**

MAP LEGEND:



Requested Area

MAP SCALE: 1" = 500'

0 250 500 1,000
Feet

August 26, 2022

Requested area is located east of Cornett Drive,
south of Zaka Road, west of Windfern Road,
and north of Plum Ridge Drive.

Harris County, TX