



Filing Receipt

Filing Date - 2023-11-14 10:34:23 AM

Control Number - 54047

Item Number - 46

DOCKET NO. 54047

**APPLICATION OF QUADVEST, LP TO § PUBLIC UTILITY COMMISSION
AMEND ITS CERTIFICATES OF §
CONVENIENCE AND NECESSITY IN § OF TEXAS
WALLER COUNTY §**

COMMISSION STAFF'S RESPONSE TO ORDER NO. 12

On September 8, 2022, Quadvest LP (Quadvest) filed an application to amend its Certificate of Convenience and Necessity (CCN) in Waller County. Quadvest holds water CCN No. 11612 and sewer CCN No. 20952.

On November 8, 2023, the administrative law judge filed Order No. 13, directing the Staff (Staff) of the Public Utility Commission of Texas to file a recommendation on whether, without the TCEQ permits, this application should have been declared administratively complete by November 14, 2023. Therefore, this pleading is timely filed.

I. STAFF RECOMMENDATION

Staff has reviewed the application and, as supported by the attached memorandum of James Harville of the Infrastructure Division, recommends that the application remains administratively complete. Specifically, under 16 Texas Administrative Code § 24.233(a)(14)(A), an application for a new water or sewer CCN or a CCN amendment that will require the construction of a new public drinking water system, or facilities to provide retail utility service, proof that the applicant has submitted plans and specifications for the proposed drinking water system is sufficient for a determination of administrative completeness. Staff further recommends that if the TPDES permit is to be delayed for a longer duration than the 60-day abatement request extension requested by Quadvest, Staff and Quadvest should consider severing the sewer portion of the application and pursuing only the water portion.

II. CONCLUSION

For the reasons stated above, Staff respectfully recommends that Quadvest's application should have been declared administratively complete and requests the entry of an order consistent with the above recommendations.

Dated: November 14, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Lopez Wagley
Division Director

Margaux Fox
Managing Attorney

/s/ Markel Perkins
Markel Perkins
State Bar No. 24126428
1701 N. Congress Ave.
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7099
(512) 936-7268 (fax)
Markel.Perkins@puc.texas.gov

DOCKET NO. 54047

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 November 14, 2023 in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Markel Perkins
Markel Perkins

Public Utility Commission of Texas

Memorandum

TO: Markel Perkins, Attorney
Legal Division

FROM: James Harville, Infrastructure Analyst
Infrastructure Division

DATE: November 14, 2023

RE: Docket No. 54047 – *Application of Quadvest, LP to Amend Its Certificates of Convenience and Necessity in Waller County*

1. Application

On September 8, 2022, Quadvest, LP (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 Waller County, Texas under Texas Water Code (TWC) §§ 13.242 through 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237.

Based on the mapping review by Hank Journey, Infrastructure Division:

- The requested area includes 0 customer connections and approximately 141 acres of uncertificated area.
- The application proposes the addition of approximately 141 acres to CCN Nos. 11612 and 20952.

2. Administrative

On October 24, 2023, under Order No. 12, the ALJ requested a recommendation on whether without the Texas Commission on Environmental Quality (TCEQ) permits, this application should have been declared administratively complete. Under 16 TAC § 24.233(a)(14)(A) and (B), an application for a new water or sewer CCN or a CCN amendment that will require the construction of a new public drinking water system, sewer system, or facilities to provide retail utility service proof that the applicant has submitted plans and specifications for the proposed drinking water system or sewer system is sufficient for a determination of administrative completeness, if the approval letter for the plans and specifications or Texas Pollutant Discharge Elimination System (TPDES) permit issued by the TCEQ are not yet available. On

November 7, 2023, Quadvest submitted the preliminary order from the TCEQ showing that the wastewater permit is pending approval.

Final approval letters for the proposed systems or facilities must be filed with the Commission before the issuance of a new CCN or CCN amendment, generally prior to any final recommendation. Failure to provide such approvals within a reasonable amount of time after the application is found administratively complete may result in dismissal of the application without prejudice. Staff is unable to give final approval to Quadvest until a copy of the approval letter from the TCEQ for the TPDES Permit No. WQ0016247001 is received. Staff requests continued abatement due to the pending permit.

3. Recommendation

Based on the mapping review by Hank Journey, Infrastructure Division, and my technical and managerial review, I recommend that Quadvest's application remains administratively complete.

I further recommend that if the TPDES permit is to be delayed for a longer duration than the 60-day extension requested by Quadvest, Staff and Quadvest consider severing the sewer portion of the application and pursuing only the water portion at this time which has approvals filed in the docket to date.