



## Filing Receipt

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**DOCKET NO. 54273**

<b>APPLICATION OF 3083 UTILITY LLC</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>FOR A CERTIFICATE OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	<b>OF TEXAS</b>
<b>MONTGOMERY COUNTY</b>	<b>§</b>	

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

**I. INTRODUCTION**

On October 27, 2022, 3083 Utility LLC (3083) filed an application to obtain a sewer Certificate of Convenience and Necessity in Montgomery County under Subchapter G of Texas Water Code Chapter 13. 3083 filed supplemental information on October 28, November 21, December 9, and December 12, 2022.

On November 29, 2022, the administrative law judge (ALJ) filed Order No. 2, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation regarding the administrative completeness of the application, along with a proposed procedural schedule, if appropriate by January 27, 2023. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the application and supplemental information and, as detailed in the attached memoranda from Jolie Mathis, Infrastructure Division, and Fred Bednarski III and David Lopez, Rate Regulation Division, recommends that the application is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the application.

**III. NOTICE**

At this time, Staff recommends that 3083 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. Mathis. Along with each individual notice, Staff recommends that 3083 provide an accurate map delineating the requested service area. Staff

further recommend that 3083 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 3083 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. 3083 should also provide a completed publisher's affidavit and a copy of the newspaper tear sheets demonstrating publication. Finally, Staff recommends that 3083 use the attached notices and affidavits to meet these requirements.

#### **IV. PROCEDURAL SCHEDULE**

Staff recommends the application, as supplemented, be found administratively complete. Staff therefore propose the following procedural schedule:

<b>Event</b>	<b>Date</b>
Deadline for 3083 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	March 13, 2023
Deadline for Staff to file a recommendation on sufficiency of notice	March 23, 2023
Deadline to intervene	30 days after notice is issued

#### **V. CONCLUSION**

For the reasons detailed above, Staff recommends that the application, as supplemented, be found administratively complete, that 3083 be directed to provide notice as described in Ms. Mathis' attached memorandum, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: January 27, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Keith Rogas  
Division Director

John Harrison  
Managing Attorney

/s/ Margaux Fox  
Margaux Fox  
State Bar No. 24120829  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7021  
(512) 936-7268 (facsimile)  
Margaux.Fox@puc.texas.gov

**DOCKET NO. 54273**

**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 January 27, 2023 in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Margaux Fox  
Margaux Fox

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Margaux Fox  
Legal Division

**FROM:** David Lopez  
Fred Bednarski III  
Rate Regulation Division

**DATE:** January 27, 2023

**RE:** Docket No. 54273 – *Application of 3083 Utility LLC for a Certificate of Convenience and Necessity in Montgomery County*

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On October 27, 2022, 3083 Utility LLC (3083) filed an application to obtain a sewer Certificate of Convenience and Necessity in Montgomery County under Subchapter G of Texas Water Code Chapter 13.

We reviewed the answers provided to questions 28, 29, 30, and 31 of the application. We did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, we recommend that the Commission deem the application administratively complete from a financial perspective.

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Margaux Fox, Attorney  
Legal Division

**FROM:** Jolie Mathis, Utility Engineering Specialist  
Infrastructure Division

**DATE:** January 27, 2023

**RE:** Docket No. 54273 – *Application of 3083 Utility LLC for a Certificate of Convenience and Necessity in Montgomery County*

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On October 27, 2022, 3083 Utility LLC (3083) filed with the Public Utility Commission of Texas (Commission) an application to obtain a sewer certificate of convenience and necessity (CCN) in Montgomery 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 Journeay, Infrastructure Division, the maps and digital mapping data submitted with Item 1 on October 27, 2022 are sufficient

- The requested area includes 0 customer connections and approximately 32 acres of uncertificated area.
- The application proposes the addition of approximately 32 acres to 3083's new sewer CCN.

Based on the mapping review and my technical and managerial review of the information filed by 3083, I recommend that the application be deemed administratively complete. I further recommend that 3083 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:
    - *Montgomery County Municipal Utility District (MUD) 164*
    - *Montgomery County MUD 191*
    - *Quadvest LP (CCN No. 20952)*
    - *San Jacinto River Authority*

- 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:
  - *Lone Star Groundwater Conservation District.*
- d. Each landowner of a tract of land that is at least 25 acres and 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) Publish notice once each week for two consecutive weeks in a newspaper having general circulation in the county where the requested area is located. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the notice was mailed, 3083 must file an affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.
- 3) Provide notice using the attached notice forms.
- 4) 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.
- 5) File in the docket a copy of notice and the maps deemed sufficient during administrative review along with the signed affidavit specifying every person and entity to whom notice was provided, specify whether or not landowners were provided notice, the date that the notice was provided, and the publisher's affidavit and tear sheets for proof of newspaper publication.
- 6) Supplement the application with a copy of the approval letter from TCEQ for the wastewater permit for the facility that will provide sewer service for the requested area once it is received. 3083 must file the approval letter prior to Staff making a final recommendation on the application.

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 3083. 3083 will have 20 days from the receipt of the RFI to respond.

***Notice for Publication***

**NOTICE OF APPLICATION OF 3083 UTILITY LLC TO OBTAIN A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY SERVICE IN  
MONTGOMERY COUNTY, TEXAS**

3083 Utility LLC has filed an application with the Public Utility Commission of Texas to obtain a sewer certificate of convenience and necessity (CCN) for the provision of retail sewer utility service in Montgomery County, Texas.

The requested area overlaps the district boundaries of San Jacinto River Authority. If this district does not request a public hearing, the Commission shall determine that the district is consenting to the 3083 Utility LLC's request to provide retail sewer utility service in the requested area.

The requested area includes 0 customer connections, is located approximately 8 mile(s) southeast of downtown Conroe, Texas, and is generally bounded on the north by Farm to Market Road 3083; on the east by the intersection of Farm to Market Road 3083 and Farm to Market Road 2090; on the south by Dewberry Lane; and on the west by Wigginsville Road.

The requested area includes approximately 32 acres of uncertificated area.

The application proposes the addition of approximately 32 acres to 3083 Utility LLC's new sewer CCN.

**A copy of the maps showing the requested area are available at:** Water Engineers Inc., 17230 Huffmeister Rd., Suite A, Cypress Texas 77429

*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 a final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas  
Central Records  
1701 N. Congress, P. O. Box 13326  
Austin, TX 78711-3326



In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

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

***Notice to Neighboring Systems, Landowners, Customers, and Cities***  
**NOTICE OF APPLICATION OF 3083 UTILITY LLC TO OBTAIN A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY SERVICE IN  
MONTGOMERY COUNTY, TEXAS**

To: \_\_\_\_\_  
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City State Zip)

3083 Utility LLC has filed an application with the Public Utility Commission of Texas to obtain a sewer certificate of convenience and necessity (CCN) for the provision of retail sewer utility service in Montgomery County, Texas.

The requested area overlaps the district boundaries of San Jacinto River Authority. If this district(s) does not request a public hearing, the Commission shall determine that the district is consenting to the 3083 Utility LLC's request to provide retail sewer utility service in the requested area.

The requested area includes 0 customer connections, is located approximately 8 mile(s) southeast of downtown Conroe, Texas, and is generally bounded on the north by Farm to Market Road 3083; on the east by the intersection of Farm to Market Road 3083 and Farm to Market Road 2090; on the south by Dewberry Lane; and on the west by Wigginsville Road.

The requested area includes approximately 32 acres of uncertificated area.

The application proposes the addition of approximately 32 acres to 3083 Utility LLC's new sewer CCN.

**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.*

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

# PUBLIC UTILITY COMMISSION OF TEXAS



## AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES

DOCKET NO. 54273

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ has provided individual notice to the following entities, landowners and customers:

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 for 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 \_\_\_\_\_

# PUBLIC UTILITY COMMISSION OF TEXAS



## PUBLISHER'S AFFIDAVIT DOCKET NO. 54273

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_,  
who being by me duly sworn, deposes and that (s)he is the

\_\_\_\_\_ of the \_\_\_\_\_  
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in \_\_\_\_\_  
(COUNTY/COUNTIES)

and generally circulated in \_\_\_\_\_, Texas;  
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

\_\_\_\_\_  
(DATES)

\_\_\_\_\_  
(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

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 \_\_\_\_\_