



## **Filing Receipt**

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**Control Number - 54546**

**Item Number - 73**

**DOCKET NO. 54546**

<b>APPLICATION OF TEXAS WATER UTILITIES, LP AND WOODLAND OAKS UTILITY LP FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS AND FOR A NAME CHANGE TO CERTIFICATES OF CONVENIENCE AND NECESSITY IN MONTGOMERY COUNTY</b>	<b>§ § § § § § § § §</b>	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**COMMISSION STAFF’S RECOMMENDATION ON TWU’S CAPITAL IMPROVEMENT PLAN**

On January 4, 2023, Texas Water Utilities, LP (TWU) and Woodland Oaks Utility, LP (Woodland Oaks) (collectively, the Applicants) filed an application for the sale, transfer, or merger of facilities and certificate rights in Montgomery County under the provisions of Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

On December 27, 2023, the administrative law judge (ALJ) filed Order No. 17, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on TWU’s capital improvement plan by February 5, 2024. Therefore, this pleading is timely filed.

**I. RECOMMENDATION ON TWU’S CAPITAL IMPROVEMENT PLAN**

Staff has reviewed TWU’s capital improvement plan, filed on January 19, 2024, and, as detailed in the attached memorandum from Jolie Mathis of the Infrastructure Division, recommends that TWU's capital improvement plan is sufficient and complies with TWC § 13.244(d)(3) and 16 TAC § 24.233(a)(6). Specifically, TWU provided a budget, an estimated timeline for construction, and a keyed map showing where additional facilities will be located.

**II. CONCLUSION**

For the reasons detailed above, Staff recommends that TWU's capital improvement plan is sufficient and complies with TWC § 13.244(d)(3) and 16 TAC § 24.233(a)(6).

Dated: February 5, 2024

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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/s/ Scott Miles  
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**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 February 5, 2024, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Scott Miles  
Scott Miles

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Scott Miles, Attorney  
Legal Division

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

**DATE:** February 5, 2024

**RE:** Docket No. 54546 – *Application of Texas Water Utilities, LP and Woodland Oaks Utility LP for Sale, Transfer, or Merger of Facilities and Certificate Rights and for a Name Change to Certificates of Convenience and Necessity in Montgomery County*

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### **1. Application**

Texas Water Utilities, LP (TWU) and the Woodland Oaks Utility LP (Woodland Oaks) (collectively Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Montgomery County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, TWU, Certificate of Convenience and Necessity (CCN) Water CCN No. 12983 and Sewer CCN No. 20899, seeks approval to acquire facilities and to transfer a portion of the water and sewer certificated service area from Woodland Oaks under water CCN No. 12947 and sewer CCN No. 20880.

In addition to the transfer request, Woodland Oaks Utility, LP requests to change the name on its CCN Nos. 12947 and 20880 from Woodland Oaks Utility Company, Inc. to Woodland Oaks Utility, LP. A Certificate of Conversion was filed with the Texas Secretary of State by Woodland Oaks Utility Company, Inc. on September 28, 2009. Woodland Oaks Utility Company, Inc. has been operating as Woodland Oaks Utility, LP since that time.

### **2. Capital Improvement Plan**

*An application for a certificate of public convenience and necessity or for an amendment to a certificate must contain: a capital improvements plan, including a budget and estimated timeline for construction of all facilities necessary to provide full service to the entire proposed service area, keyed to a map where such facilities will be located to provide service (TWC § 13.244(d)(3) and 16 TAC § 24.233(a)(6)).*

TWU is building new water and sewer treatment plants to provide service to the requested area.

TWU provided a capital improvement plan that included a budget, an estimated timeline for construction, and a keyed map showing where facilities will be located.

**3. Recommendation**

Based on my technical and managerial review, I recommend that TWU's capital improvement plan is sufficient and complies with TWC § 13.244(d)(3) and 16 TAC § 24.233(a)(6).