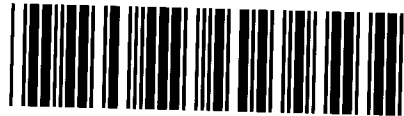


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APPLICATION OF AQUA WATER
SUPPLY CORPORATION TO AMEND
A WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
BASTROP COUNTY

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JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application filed by Aqua Water Supply Corporation ("Aqua WSC") regarding an amendment to its water certificate of convenience and necessity (CCN No. 10294) for a water system located in Bastrop County. On July 22, 2015, Commission Staff ("Staff") of the Public Utility Commission of Texas ("Commission") recommended that the Commission approve Aqua WSC's application and approve the requested amendment to water CCN No. 10294. Aqua WSC's application and requested amendments to water CCN No. 10294 are approved.

The Commission adopts the following findings of fact and conclusions of law:

I. FINDINGS OF FACT

1. On January 28, 2015, Aqua Water Supply Corporation (Aqua WSC) filed an application with the Commission. In its application, Aqua WSC requested an amendment to its water CCN No. 10294 in Bastrop County to decertify an area currently receiving water from the City of Bastrop.
2. The total area requested by Aqua WSC to be decertified includes 63 acres and is within the City of Bastrop, Texas.
3. On January 29, 2015, the Administrative Law Judge entered Order No. 1, requiring comments on the administrative completeness of the application, proposed notice, and a procedural schedule by February 27, 2015.
4. On February 27, 2015, Aqua WSC filed its Response to Order No. 1.

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5. On February 27, 2015, Staff filed its Response to Order No. 1, in which it recommended that the application be determined to be administratively incomplete due to deficiencies in the mapping information and proposed notice.
6. On March 3, 2015, the Administrative Law Judge entered Order No. 2, finding the application package incomplete and deficient, and establishing deadlines for Aqua WSC and Staff to respond.
7. On March 6, 2015, Aqua WSC filed its Response to Order No. 2 providing new proposed notices and a revised map addressing deficiencies.
8. On April 17, 2015, Staff filed its Response to Order No. 2, stating Aqua had cured all deficiencies. Staff recommended the application be deemed administratively complete and Aqua WSC be directed to provide notice by May 18, 2015.
9. On April 20, 2015, the Administrative Law Judge entered Order No. 3 deeming Aqua WSC's application administratively complete, adopting a procedural schedule setting deadlines for notice, intervention, and intervenor comments, requests for hearing, and Staff's final recommendation.
10. Aqua WSC provided notice by publication in the *Bastrop Advertiser* on May 2 and 9, 2015. Aqua WSC filed a publisher's affidavit, dated May 11, 2015, and signed by Chris Dukes, Representative of the *Bastrop Advertiser*, which attested to the notice.
11. Aqua WSC provided notice of the application to neighboring systems, landowners, cities, and affected parties on May 6, 2015. Affidavits that these neighboring systems, landowners, cities and affected parties were provided notice were filed with the Commission on May 13, 2015.

12. No protests or requests for hearing were received by the Commission, therefore no hearing is necessary.
13. On June 22, 2015, Staff filed its Response to Order No. 3 requesting additional time to complete its review of the application and to prepare final maps and certificate.
14. On June 22, 2015, the Administrative Law Judge entered Order No. 4 establishing a supplemental procedural schedule, requiring Staff to file its final recommendation on or before July 22, 2015.
15. On June 30, 2015, Aqua WSC filed its consent to the proposed map and amended certificate provided by Staff.
16. On July 22, 2015, Staff filed its Final Recommendation that the application be approved.
17. On July 24, 2015, the Administrative Law Judge entered Order No. 5 requiring parties to file a joint notice of approval, including findings of fact, conclusions of law, and ordering paragraphs no later than August 11, 2015.
18. On August 11, 2015, Staff and Aqua WSC filed their Proposed Notice of Approval.
19. On August 11, 2015, Staff and Aqua WSC filed their Joint Motion to Admit Evidence. Staff and Aqua WSC requested that certain evidence be admitted into the record in support of their Proposed Notice of Approval.
20. On _____, 2015, the Commission granted Staff and Aqua WSC's Joint Motion to Admit Evidence. The following evidence was admitted into the record:
 - a. Exhibit 1: Application of Aqua Water Supply Corporation to Amend Certificate of Convenience and Necessity in Bastrop County and accompanying Attachments A, B, C, and D (filed January 28, 2015);
 - b. Exhibit 2: Aqua WSC Response to Order No. 2 and accompanying amended Attachment A and Revised Attachment D (filed on March 6, 2015);

- c. Exhibit 3: Affidavit of Notice to Neighboring Utilities and Affected Parties (filed on May 13, 2015);
- d. Exhibit 4: Publisher Affidavit from the *Bastrop Advertiser* (filed on May 13, 2015);
- e. Exhibit 5: Aqua WSC's signed Consent Form (filed on June 30, 2015); and
- f. Exhibit 6: Staff's Recommendation on Final Disposition (filed on July 22, 2015).

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over Aqua WSC's application under Tex. Water Code §§ 13.041, 13.241, 13.246, and 13.254 and 16 Tex. Admin. Code (TAC) § 24.102.
2. Aqua WSC is a retail public utility, as defined by Tex. Water Code § 13.002(19) and 16 TAC § 24.3(41).
3. Notice of Aqua WSC's application was provided to affected parties, as required by Tex. Water Code § 13.246 and 16 TAC § 24.106.
4. Aqua WSC's application was processed in accordance with the requirements of the Administrative Procedures Act, Tex. Gov't Code §§ 2001.001-2001.902; Tex. Water Code §§ 13.241, 13.246, and 13.254; and 16 TAC §§ 24.102, 24.106, and 24.107.
5. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding. It is not necessary to hold a hearing on the merits regarding Aqua WSC's application.
6. Based on the evidence admitted into the record, Aqua WSC has demonstrated that it has never provided service to the area that is the subject of its application. Additionally, Aqua WSC has demonstrated that its application meets the requirements in Tex. Water Code §§ 13.241, 13.246, and 13.254 and 16 TAC §§ 24.102 and 24.106.
7. An amendment of Aqua WSC's water CCN No. 10294 is necessary for the service, accommodation, convenience, or safety of the public.

8. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

III. ORDERING PARAGRAPHS

The Commission issues the following ordering paragraphs in accordance with these findings of fact and conclusions of law:

1. Aqua WSC's application is approved.
2. Aqua WSC's water CCN No. 10294 is amended, as requested in its application. Aqua WSC's amended water CCN No. 10294 and new service area map are attached to this Notice of Approval.
3. All other motions, requests for entry of specific findings of fact or conclusions of law, and any other requests for general or specific relief, if not expressly granted in this Notice of Approval, are denied.

SIGNED IN AUSTIN, TEXAS, this _____ day of _____, 2015.

PUBLIC UTILITY COMMISSION OF TEXAS

IRENE MONTELONGO
DIRECTOR, DOCKET MANAGEMENT