



Control Number: 44382



Item Number: 20

Addendum StartPage: 0

DOCKET NO. 44382

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

PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK

**NOTICE OF APPROVAL**

This Notice addresses the application of Aqua Water Supply Corporation (Aqua WSC) to amend its water Certificate of Convenience and Necessity (CCN) No. 10294 in Bastrop County. Public Utility Commission of Texas (Commission) Staff recommended approval of the application, as amended. The application, as amended, is approved.

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

**I. Findings of Fact**

**Procedural History, Description and Background**

1. On January 28, 2015, Aqua WSC filed an application to amend its water CCN No. 10294 in Bastrop County to decertify an area currently receiving water from the City of Bastrop.
2. On January 29, 2015, Order No. 1 was issued, requiring comments on the administrative completeness of the application and proposed notice, requiring a proposed procedural schedule, addressing other procedural matters, and causing notice of the application to be published in the February 13, 2015 edition of the *Texas Register*.
3. On February 27, 2015, Aqua WSC clarified that decertification of the area from its CCN No. 10294 will enable the City of Bastrop to legally serve the area without first obtaining an amendment to its own CCN.
4. The City of Bastrop currently holds water CCN No. 11198.
5. On February 27, 2015, Commission Staff responded to Order No. 1, recommending that the application be found administratively incomplete due to material deficiencies.
6. On March 3, 2015, Order No. 2 was issued, finding the application package incomplete and deficient and establishing deadlines for further processing.

7. On March 6, 2015, Aqua WSC filed amendments to the application and notice.
8. On April 17, 2015, Commission Staff responded to Order No. 2, recommending that the application and notice, as amended, be found administratively complete.
9. On April 20, 2015, Order No. 3 was issued, deeming the application administratively complete, addressing notice, and establishing a procedural schedule.
10. On June 22, 2015, Commission Staff responded to Order No. 3, requesting additional time to complete its review of the application and to prepare final maps and a certificate.
11. On June 22, 2015, Order No. 4 was issued, establishing an additional procedural schedule.
12. On June 30, 2015, Aqua WSC filed a signed consent form confirming the map and certificate of its CCN No. 10294, as prepared by Commission Staff.
13. The CCN certificate and map, referenced in Finding of Fact No. 12, are attached to this Notice.
14. On July 22, 2015, Commission Staff filed a recommendation on final disposition, recommending approval of the application, as amended.
15. On July 24, 2015, Order No. 5 was issued, establishing a deadline for the parties to file a joint proposed notice of approval.
16. On August 11, 2015, Commission Staff and Aqua WSC filed a joint proposed notice of approval.
17. On August 11, 2015, Commission Staff and Aqua WSC filed a joint motion to admit evidence in support of the joint proposed notice of approval.
18. On August 13, 2015, Order No. 6 was issued, admitting evidence into the record of this proceeding.

**Aqua WSC's Amendment**

19. The proposed area being decertified by Aqua WSC consists of approximately 63 acres with no facilities and no customers in the area.

20. Aqua WSC has never received any service requests for the proposed area and has never installed any facilities in the proposed area; therefore, has never had any customers in the proposed area.
21. The City of Bastrop is currently the exclusive provider of retail water and wastewater services to the entire proposed area to be decertified.
22. Although the City of Bastrop currently holds water CCN No. 11198, its status as a retail public utility exempts it from the requirement that it first obtain a CCN before rendering retail water service to the public in areas not currently certified to another retail public utility.
23. The decertification of the proposed area from Aqua WSC will allow the City of Bastrop to legally serve the area without first obtaining an amendment to its CCN.

**Notice**

24. On May 6, 2015, mailed notice was provided to all affected and interested parties.
25. On May 2, 2015 and May 9, 2015, notice was provided by publication in the *Bastrop Advertiser*, a newspaper circulated in Bastrop County.
26. On May 13, 2015, Aqua WSC filed affidavits attesting to mailed and published notice, including copies of individual notices.

**Informal Disposition**

27. More than 15 days have passed since completion of the notice provided in this docket.
28. Aqua WSC and Commission Staff are the only parties to this proceeding.
22. No protests, opt-out requests, or requests for public hearing were filed in this docket, therefore no hearing is necessary.

**II. Conclusions of Law**

1. The Commission has jurisdiction over these matters pursuant to Tex. Water Code §§ 13.041, 13.241, and 13.246 (West 2008 and Supp. 2014) (TWC) and 16 Tex. Admin. Code §§ 24.102 and 24.107 (TAC).
2. Aqua WSC is a retail public utility as defined in TWC § 13.002(19).

3. Aqua WSC provided notice in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The application was processed in accordance with the requirements of TWC § 13.244 and 16 TAC §§ 24.102 and 24.105.
5. After considering the factors in TWC § 13.246(c), Aqua WSC has demonstrated adequate financial, managerial and technical capability for providing continuous and adequate service to the requested area and its current service area as required by TWC § 13.241.
6. The application, as amended, meets the requirements set forth in TWC §§ 13.241, 13.244 and 13.246, and 16 TAC §§ 24.101-24.102 and 24.104-24.106.
7. Approval of the certificate amendment and partial certificate decertification requested in this application are necessary for the service, accommodation, convenience, or safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.102(c).
8. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

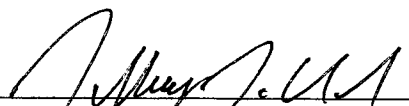
### **III. Ordering Paragraphs**

In accordance with these fact statements and legal conclusions, the Commission issues the following Order:

1. Aqua WSC's application, as amended, is approved.
2. Aqua WSC's CCN No. 10294 is amended as requested and a portion of Aqua WSC's CCN No. 10294 is decertified consistent with this Notice.
3. Aqua WSC shall serve every customer and applicant for service within the areas certified under its CCN No. 10294 and such service shall be continuous and adequate.
4. 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 herein, are hereby denied.

SIGNED AT AUSTIN, TEXAS the 17<sup>th</sup> day of August 2015.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**JEFFREY J. HUHN**  
**ADMINISTRATIVE LAW JUDGE**

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# Public Utility Commission of Texas

**By These Presents Be It Known To All That**

## **Aqua Water Supply Corporation**

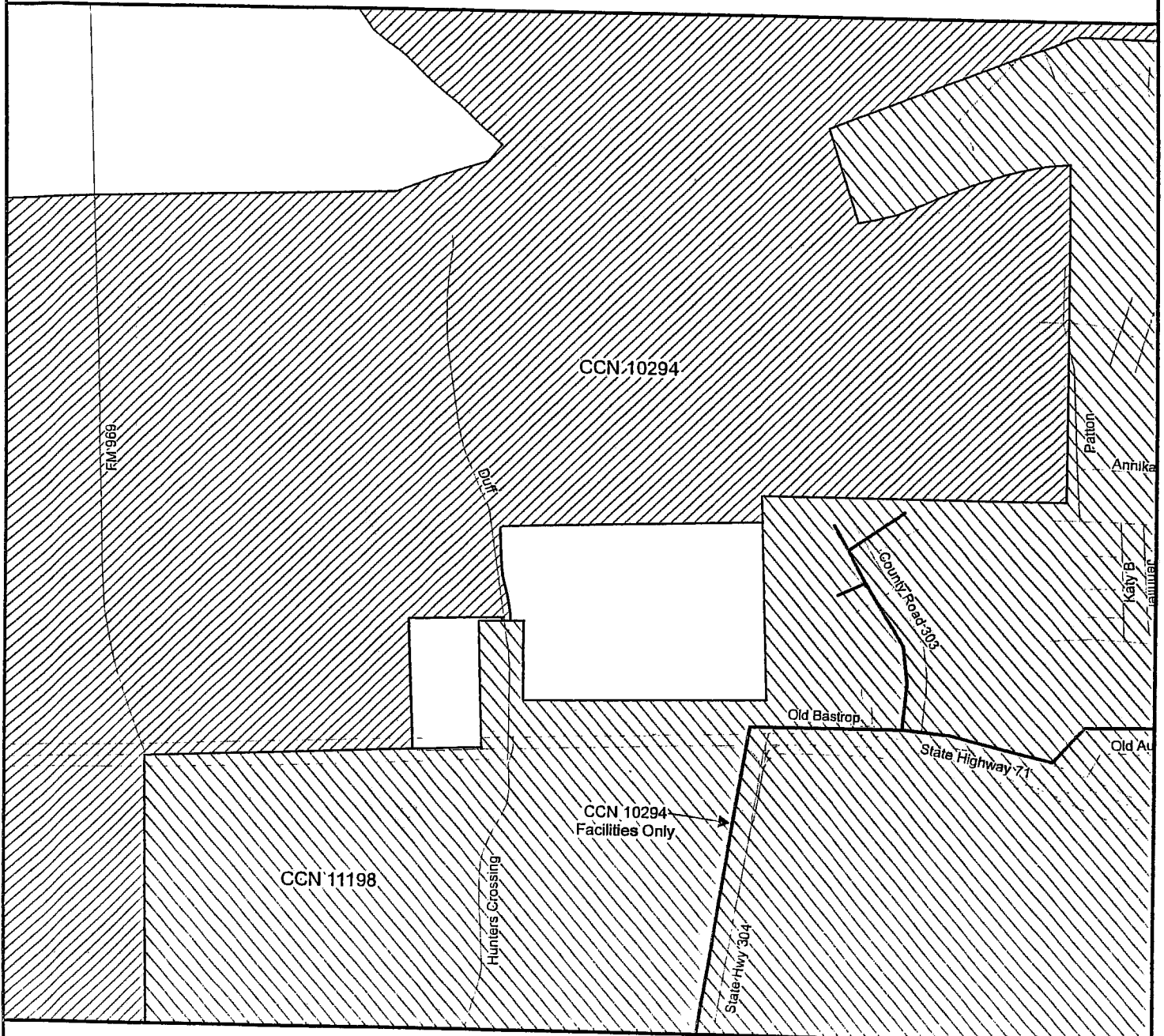
having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

### **Certificate of Convenience and Necessity No. 10294**



to provide continuous and adequate water utility service to that service area or those service areas in Bastrop, Caldwell, Lee and Travis Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44382 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Aqua Water Supply Corporation to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, the 17<sup>th</sup> day of August 2015.


Aqua Water Supply Corporation  
 Portion of Water Service Area  
 CCN No. 10294  
 PUC Docket No. 44382  
 Decertified a Portion of CCN No. 10294  
 in Bastrop County

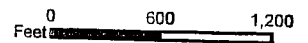


**Water CCN Service Areas**

-  10294 - Aqua WSC
-  11198 - City of Bastrop

**Facilities Only Water CCNs**

-  10294 - Aqua WSC



Public Utility Commission of Texas  
 1701 N. Congress Ave  
 Austin, TX 78701

Map by: Suzanne Burt  
 Date created: June 24, 2015  
 Project path: n:/gis/projects/applications/44382.mxd