

Control Number: 44382



Item Number: 6

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**DOCKET NO. 44382**

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

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**  
2015 FEB 11 11:45  
PLANNING CLERK

**STAFF'S RESPONSE TO ORDER NO. 1**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Response to Order No. 1 and would show the following:

**I. BACKGROUND**

On January 28, 2015, Aqua Water Supply Corporation (Aqua WSC) filed an application to amend its water certificate of convenience (CCN) No. 10294 in Bastrop County, Texas. Aqua WSC seeks to decertify the area addressed in this application because the area is currently receiving retail water utility service from the City of Bastrop.

On January 29, 2015, Order No. 1 was issued, requiring Staff to file comments on the administrative completeness of the application, proposed notice, and a procedural schedule by February 27, 2015. Therefore, this response is timely filed.

**II. COMMENTS ON ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memo (Attachment A) from Debbie Reyes Tamayo, in the Commission's Water Utilities Division, Staff has reviewed the application and recommends that the application be found administratively incomplete pursuant to Title 16, TEX. ADMIN CODE (16 TAC) § 24.105.

Staff identified deficiencies in the mapping requirements and proposed notice submitted by the Applicant. Specifically, the map and notice documents do not have the same total acreage as the digital data. Applicant's map and notice documents state the proposed water service area to be decertified with this application to be a total of 85 acres, but the acreage provided in the digital data has a total of 63 acres. The Applicant's map and digital data must provide the same total acreage for the proposed water service area.

Further, Applicant's notice to neighboring entities was insufficient as required by 16 TAC §§ 24.105 and 24.106. Staff is unable to evaluate whether the list of neighboring entities within a 2-mile buffer of the proposed water service area is complete until Staff has received an adequate map and/or digital data of the proposed water service area.

Staff recommends that Applicant *should not* publish notice until their maps and 2-mile list of entities have been reviewed and approved by the Commission. Applicant may contact mapping staff for mapping and notice related guidance.

Pursuant to 16 TAC § 24.8(a), the application is not considered filed until the Commission determines that the mapping requirements and proposed notice are administratively complete. Staff has identified deficiencies in the application and, therefore, recommends that the application package be found administratively incomplete pursuant to TEX. WATER CODE ANN. Subchapter G and Title 16, TEX. ADMIN. CODE (16 TAC) Subchapter G.

### **III. CONCLUSION**

Staff recommends that the application is administratively incomplete due to deficiencies in the mapping information and proposed notice supplied by the Applicant.

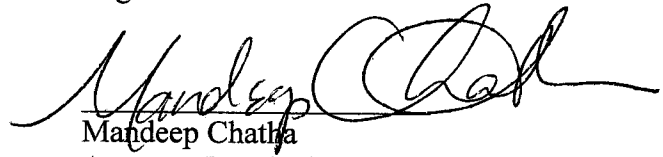
Therefore, Staff recommends that the Applicant be given thirty days to amend its application in order to cure the application, mapping, and proposed notice deficiencies identified by Staff in Attachment A. Staff proposes a deadline for Applicant to cure deficiencies of April 3, 2015. Staff will then review this amended application for administrative completeness. In the event that Staff determines that the Applicant's amended application is administratively complete, Staff will propose a procedural schedule. Staff proposes a deadline of April 17, 2015, to make a recommendation on the sufficiency of the application or propose a procedural schedule. Staff respectfully requests that the ALJ issue an order consistent with this Response.

**DATE: February 27, 2015**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Stephen Mack  
Managing Attorney  
Legal Division

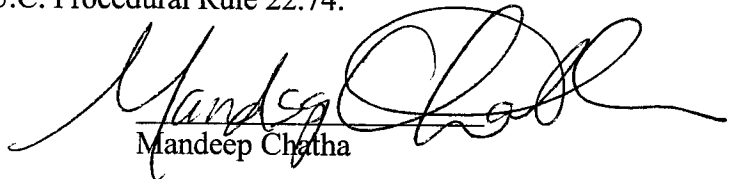


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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the February 27, 2015 in accordance with P.U.C. Procedural Rule 22.74.



Mandeep Chatha

# Attachment A

## **PUC Interoffice Memorandum**

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**To:** Mandeep Chatha  
Legal Division

**Thru:** Tammy Benter, Director  
Water Utility Division

**From:** Debbie Reyes Tamayo, Program Specialist  
Tracy Harbour, GIS Specialist  
Water Utility Division

**Date:** February 26, 2015

**Subject:** Docket No. 44382; Application of Aqua Water Supply Corporation to amend a water certificate of convenience and necessity in Bastrop County (CCN No. 10294)

On January 28, 2015, Aqua Water Supply (Applicant) filed an application to amend its water certificate of convenience (CCN) No. 10294 in Bastrop County. Applicant is seeking to decertify the area addressed in this application. This application is being reviewed under the PUC's Substantive Rules in Chapter 24, §§24.102 and 24.107.

Based upon Staff's review of the information in the application, the application is deficient.

### **Mapping deficiencies**

The map and notice documents state the proposed water service area to be decertified with this application has a total of 85 acres, whereas the acreage provided in the digital data has a total of 63 acres. The Applicant's map and digital data must provide the same total acreage for the proposed water service area.

Staff recommends the Applicant provide the following information:

- Revised digital data and hard copy maps reflecting the same total acreage for the proposed area. The Applicant may contact mapping staff for further mapping guidance.

Staff is unable to evaluate whether the list of neighboring entities within a 2-mile buffer of the proposed water service area is complete until Staff has received an adequate map and/or digital data of the proposed water service area.

**The Applicant should not issue notice to any party until the Applicant's proposed map and notice documents are approved by the Commission.**