

Control Number: 44382



Item Number: 8

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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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**AQUA WATER SUPPLY CORPORATION'S
RESPONSE TO ORDER NO. 2**

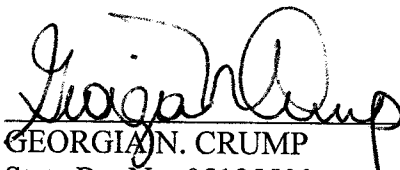
COMES NOW the Aqua Water Supply Corporation ("Applicant" or "Aqua WSC"), by and through its attorney of record, and files this Response to Order No. 2 addressing the deficiencies noted by Public Utility Commission ("PUC" or "Commission") Staff in its Response to Order No. 1, filed on February 27, 2015.

Aqua WSC provides the attached new proposed notices, an Amended Attachment A (supplemental information, specifically Q.3.C., correcting the total acreage), and Revised Attachment D (map), which now matches the digital data provided in Applicant's original filing on January 28, 2015.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800
Fax: (512) 472-0532
gcrump@lglawfirm.com



GEORGIAN N. CRUMP
State Bar No. 05185500

ATTORNEYS FOR AQUA WATER SUPPLY
CORPORATION

8

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was transmitted by fax, hand-delivery and/or regular, first class mail on this 6th day of March, 2015, to all parties of record.



GEORGIA N. CRUMP

Notice for Publication

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO
PROVIDE WATER/SEWER UTILITY SERVICE IN

BASTROP

COUNTY(IES), TEXAS

Name of Applicant AQUA WATER SUPPLY CORPORATION has filed an application for a
CCN to obtain or amend CCN No. (s) 10294 and to
decertify a portion(s) of AQUA WATER SUPPLY CORPORATION with the
(Name of Decertified Utility)

Public Utility commission of Texas to provide

water

(specify 1) water or 2) sewer or 3) water & sewer)

utility service in Bastrop

County
(ies).

The proposed utility service area is located approximately 2 miles west
[direction] of downtown Bastrop, [City or Town] Texas, and is
generally bounded on the north by Blakey Lane; on the east by
Edward Burleson Lane; on the south by Highway 71 West; and on the west by a property line west of Duff Drive.

The total area being requested includes approximately 63 acres and _____
current customers.

A copy of the proposed service area map is available at (Utility Address and Phone
Number): 415 Old Austin Highway, Drawer P, Bastrop, Texas 78602, (512) 303-3943

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should file with the PUC at the following address:

Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the commission will not issue the CCN and 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, the SOAH will submit a recommendation to the commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-888-782-8477

Notice to Neighboring Systems, Landowners and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO
PROVIDE WATER/SEWER UTILITY SERVICE IN

Bastrop COUNTY(IES), TEXAS

To: _____ Date Notice Mailed _____ 20 _____
(Neighboring System, Landowner or City)

(Address)

City State Zip

Name of Applicant Aqua Water Supply Corporation has filed an application for a
CCN to obtain or amend CCN No. (s) 10294 and to
decertify a portion(s) of Aqua Water Supply Corporation with the
(Name of Decertified Utility)

Public Utility Commission of Texas to provide water
(specify 1) water or 2) sewer or 3) water & sewer)
utility service in BASTROP County(ies).

The proposed utility service area is located approximately 2 miles west
[direction] of downtown Bastrop, [City or Town] Texas, and is
generally bounded on the north by Blakey Lane; on the east by
Edward Burleson Lane; on the south by Highway 71 West; and on the west by Duff Road

See enclosed map of the proposed service area.

The total area being requested includes approximately 63 acres and _____
current customers.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

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Filing Clerk
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Austin, Texas 78711-3326

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Austin, Texas 78711-3326

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Si desea informacion en Espanol, puede llamar al 1-888-782-8477

**Supplemental Information to
Aqua Water Supply Corporation's
Application to Amend Water CCN No. 10294**

Q.1.C.

- i. The Applicant's Articles of Incorporation and By-laws are attached as Attachment B.
- ii. Aqua WSC's Charter/File No. is: 0025894701.
- iii. Aqua's Board Members are as follows:
 - Craig Williams, Zone 1
 - Joe Flahive, Zone 2
 - David Glass, Zone 3
 - Shawn Griffin, Zone 4
 - Earl Steinbach, Zone 5, Vice-President
 - Cliff Kessler, Zone 6, President
 - H. C. Ducharme, Zone 7
 - William Tomsu, Zone 8, Secretary/Treasurer

The business address for all the board members is:
Aqua Water Supply Corporation
415 Old Austin Highway
Drawer P
Bastrop, Texas 78602
(512) 303-3943

- iv. Aqua WSC is informed by the Texas Comptroller of Public Accounts that it is no longer issuing "Certificates of Account Status" to exempt entities. Therefore, Aqua is attaching a Franchise Tax Account Status from the Comptroller's website, as instructed by a representative of the Comptroller's Office. See Attachment C.

Q. 2.A.

The area affected by this Application is within the city limits of the City of Bastrop, Texas, having been annexed by the City over a number of years beginning in 2004. The area is being developed as a commercial/retail area. Beginning in 2005, the City of Bastrop has been providing retail water utility service to the commercial/retail customers in the area. Applicant also believes that the City of Bastrop is providing retail sewer service to the commercial/retail customers, as well. To Applicant's knowledge, there are no residential developments or customers in the area that is the subject of this Application.

Q.2.B.

It is unlikely that any of the existing commercial/retail entities in the area that is the subject of this Application will seek retail water utility services from Aqua, as all of the current development is receiving such service from the City of Bastrop.

Q.3.C.

The area contains 63.1 acres, and for ease of reference in the Application is primarily divided into two tracts.

Tract 1 is 52.3 acres, and is bordered on the south by a strip of land 300 feet wide that parallels the north right-of-way of Highway 71. On the west, this tract is bordered by Duff Road, on the north by Blakey Lane, and on the east by Edward Burleson Lane.

Tract 2 is 10.8 acres, and is bordered on the south by Highway 71 right-of-way and on the east by McCoys Lumber and Duff Drive.

Q.5.

Information about the “Existing System” is not considered to be relevant, as Aqua is not seeking to have additional territory added to its CCN, but is removing territory therefrom that is currently being served by another retail public utility – the City of Bastrop. Aqua does not have information about the City of Bastrop’s system, nor does it know the number of meters on Bastrop’s current system or in the area that is the subject of this Application. However, Aqua is aware of at least fourteen water meters that have been installed in the area by the City, which includes both irrigation meters and meters to serve stores, restaurants, and banks in the area. These meters range in size from $\frac{3}{4}$ ” to 2.”

Q.5.G.

The granting of the Application will result in the following: (1) the CCN maps will thereafter accurately reflect who is providing retail utility service in the area; (2) Aqua will no longer be responsible for providing continuous and adequate service to customers who receive utility service from a different retail public utility; and (3) the public and property owners will not be confused by the existence of a CCN that bears no relationship to the actual provision of retail water utility service.

Q.5.I.

Because this Application is requesting decertification of an area, the ability of Aqua to provide service to the area is not germane. The City of Bastrop is currently providing service to all consumers of retail water services in the area. Aqua assumes that such service is adequate, as development has been continuing unabated since 2005. The area is developing as commercial/retail, and from a visual inspection appears to be reaching full development.

Q.7.G.iii.

The following have been identified as cities and neighboring retail water utilities within two miles of the affected area:

City of Bastrop
P.O. Box 427
Bastrop, TX 78602-0427

Bastrop County WCID No. 2
P.O. Box 708
Bastrop, TX 78602

The Colony Municipal Utility District
c/o Armbrust & Brown, L.L.P.
Attn: Sue Brooks Littlefield
100 Congress Avenue, Suite 1300
Austin, TX 78701-2744

Bastrop County
804 Pecan Street
Bastrop, TX 78602

Aqua CCN Decertification

