



Control Number: 44382



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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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STAFF'S RESPONSE TO ORDER NO. 2

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Response to Order No. 2 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, the Administrative Law Judge (ALJ) issued Order No. 1, requiring Staff and Aqua WSC to file comments on how the application should be processed and to file a proposed procedural schedule by February 27, 2015. On February 27, 2015, Staff recommended that Aqua WSC's application be found administratively incomplete.

On March 3, 2015, Order No. 2 was issued, consistent with Staff's recommendation, finding the application to be administratively incomplete. Aqua WSC was given until April 3, 2015 to amend its application to cure deficiencies noted by Staff. Order No. 2 also required Staff to file a recommendation regarding the administrative completeness of the application and notice and/or propose a procedural schedule by April 17, 2015. Therefore, this response is timely filed.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS

As detailed in the attached memo from Debbie Reyes Tamayo, in the Commission's Water Utilities Division, Staff finds Aqua WSC has cured all deficiencies.. Therefore, Staff recommends the application be deemed administratively complete.

III. NOTICE

Staff recommends that Aqua WSC be required to provide notice as detailed in the attached memo from Debbie Reyes Tamayo, in the Commission's Water Utilities Division.

IV. PROPOSED PROCEDURAL SCHEDULE

Staff recommends the following procedural schedule:

Event	Date
Deadline for Applicant to file proof of notice	May 18, 2015
Deadline for intervention; deadline for intervenors to file comments or request a hearing on the merits	Within 30 days of mailing or publication of notice, whichever occurs later ¹
Staff final Recommendation, Request for Hearing, or Recommendation on Further Procedural Schedule	June 22, 2015

Staff notes that customers have the ability to opt out of a CCN request.² In the event customers wish to opt out of the CCN, additional procedures may be needed before Staff may make a recommendation. Additionally, in the event Staff were to recommend final approval of the CCN amendment, Staff's ability to meet the above deadline is driven in part by Staff's receipt of consent to final mapping from Applicant. Therefore, Staff's proposed procedural schedule allows Staff the opportunity to either file a recommendation after the customer comment period or recommend an additional procedural schedule.

V. CONCLUSION

Staff respectfully requests that the ALJ issue an order consistent with this Response.

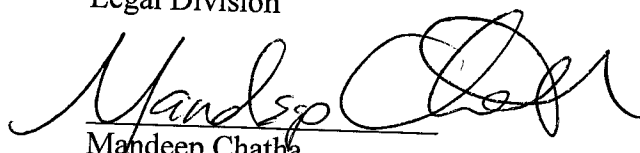
DATE: April 17, 2015

¹ P.U.C. Subst. R. 24.106(a)(3).

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division

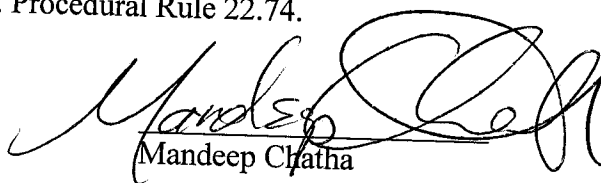


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the April 17, 2015 in accordance with P.U.C. Procedural Rule 22.74.



Mandeep Chatha

² P.U.C. Subst. R. 24.102(h).

PUC Interoffice Memorandum

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: April 13, 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 on my review of the information in the application, I recommend that the application be deemed sufficient for filing. I further recommend the Applicant be ordered to do the following:

1. Provide the attached notice of the application to the following:
 - a. any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of the proposed service area;
 - b. any city with an extraterritorial jurisdiction which overlaps the proposed service area;
 - c. landowners with more than 25 acres and any affected parties in the proposed CCN area. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies; and
 - d. notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Bastrop County;
2. Include copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties and each landowner. It is the Applicant's burden to provide an accurate map delineating the proposed area with each individual notice. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>.
3. Provide notice the following entities listed below in addition to those entities listed in the application:
 - Corix (13227) – Pending Docket 42967

- Lost Pines Groundwater Conservation District (District ID 5448660)
- Lower Colorado River Authority (District ID 5460000)
- The Colony MUD 1A (District ID 4114750)
- The Colony MUD 1B (District ID 4114751)
- The Colony MUD 1C (District ID 3504125)
- West Bastrop Village MUD (District ID 8468525)

The Applicant should be required to submit a copy of the actual notice issued, the map issued with the individual mailed notice, tear sheets of the newspaper notice, and the signed affidavits (copies attached), indicating that the notice was given.

TB/DRT

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
to amend CCN No. 10294 and to decertify a portion 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 DUFF DRIVE;

on the east by EDWARD BURLESON LANE;

on the south by HIGHWAY 71 WEST;

on the west APPROXIMATELY 750 FEET WEST OF DUFF DRIVE

See enclosed map of the proposed service area.

The total area being requested includes approximately 63 acres and 15
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.

Persons who wish to intervene or comment should write the:

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