



Control Number: 44534



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**PUC DOCKET NO. 44534**

**APPLICATION OF AQUA TEXAS,  
INC. D/B/A AQUA TEXAS TO  
AMEND ITS CERTIFICATES OF  
CONVENIENCE AND NECESSITY IN  
HARRIS COUNTY**

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**BEFORE THE PUBLIC UTILITY  
COMMISSION OF TEXAS**

2015 AUG 25 PM 1:06  
FILED  
HARRIS COUNTY

**JOINT MOTION TO ABATE**

COME NOW Applicant Aqua Texas, Inc. d/b/a Aqua Texas ("Aqua Texas"), City of Tomball, Texas (the "City"), and Commission Staff ("Staff") (collectively, the "Parties") and file this Joint Motion to Abate respectfully requesting that the Court abate these proceedings for the following reasons.

1. On March 13, 2015, Aqua Texas, Inc. d/b/a Aqua Texas filed with the Public Utility Commission of Texas an application to amend its water and sewer certificate of convenience and necessity (CCN) Nos. 13203 and 21065, respectively, in Harris County ("Application"). Aqua Texas seeks to amend its CCNs in order to provide water and wastewater utility services to a commercial development, comprising 620.652 acres, located inside Harris County Improvement District No. 17.

2. On June 3, 2015, Order No. 4 was issued which found the Application sufficient. Order No. 4 also required Aqua Texas to provide notice to neighboring systems, landowners, and cities,<sup>1</sup> and established a procedural schedule.

3. On June 26, 2015, Aqua Texas mailed notice of the Application to the neighboring systems, landowners, and cities. One of the neighboring cities Aqua Texas mailed notice to was the City.

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<sup>1</sup> Order No. 4 also required that Aqua Texas publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Harris County. Aqua Texas completed this additional notice task as directed.

4. On July 27, 2015, the City filed a letter protesting Aqua Texas' Application with the PUC.

5. Since July 27, 2015, the City and Aqua Texas have conferred and, with Staff's support, respectfully request that this case be abated. Aqua Texas and the City are attempting to explore ways to resolve their differences outside the context of State Office of Administrative Hearings ("SOAH") contested case hearing before the matter is referred to SOAH based on the City's hearing request. While Staff has not yet determined whether to recommend a SOAH referral, and its current deadline for a recommendation is not until September, Aqua Texas and the City request the case be abated and not referred to the State Office of Administrative Hearings in the interim so that they may have more time to discuss Application issues that gave rise to the City's protest letter. Further, the City reports it will not be able to fully consider this matter until October during which City council meetings are scheduled at which key personnel will be present after being unavailable for September City council meetings. Staff supports the other Parties' abatement request and is unopposed.

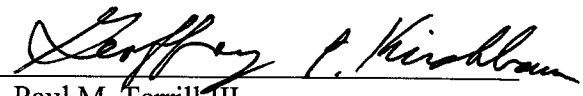
6. The City of Tomball's letter is the only protest/hearing request letter to have been received by the Commission, and the deadline for any other potential Intervenors to submit such letters has passed. Under the procedural schedule set forth in Order No. 4, Commission Staff's deadline to request a hearing or make a final determination on the Application is September 10, 2015. In lieu of the current deadlines, the Parties request that the case be abated until **October 30, 2015**. On that date, if not sooner, the Parties will file a status report requesting a new procedural schedule or continued abatement, or, alternatively, Commission Staff will file their recommendation on the application if a SOAH referral is no longer warranted.

7. Counsel for Aqua Texas conferred with counsel for the other Parties regarding this Motion. They support this Motion and have authorized Counsel for Aqua Texas to file same.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, the Parties respectfully request jointly that the Administrative Law Judge abate this proceeding until October 30, 2015 as described herein to allow Aqua Texas and the City of Tomball additional time to discuss the Application without a SOAH referral.

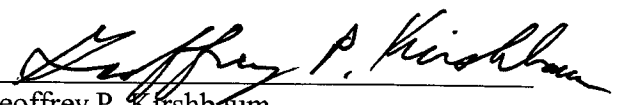
**Respectfully submitted,**

By:   
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**ATTORNEYS FOR AQUA TEXAS, INC.**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on August 25, 2015 in accordance with P.U.C. Procedural Rule 22.74.

  
Geoffrey P. Kirshbaum