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44534

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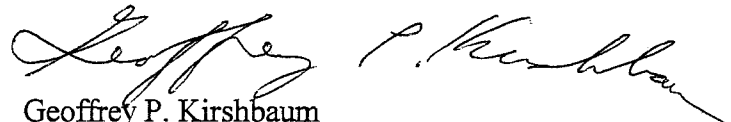
Jeffrey J. Huhn  
Administrative Law Judge  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, TX 78711-3326

Re: Application of Aqua Texas, Inc. d/b/a Aqua Texas to Amend its Certificates of Convenience and Necessity in Harris County; PUC Docket No. 44534

Dear Judge Huhn:

On May 8, 2015, in Order No. 3 Granting Extension you granted Aqua Texas until May 12, 2015 to file its Response to Order No. 2 in PUC Docket No. 44534. Attached (without exhibits) is the Response to Order No. 2 filed by Aqua Texas on May 12, 2015. **Attachment A.** It has come to Aqua Texas' attention that the PUC Docket Number in its May 12, 2015 Response had two digits transposed. The docket number of the filing read "44354" instead of "44534" (which is correct). Simultaneously with the filing of this letter, Aqua Texas is re-submitting its Response to Order No. 2 with the correct PUC Docket Number (44534). Aqua Texas respectfully requests that the Commission allow for the filing of its Response to Order No. 2 to relate back to the May 12, 2015 filing.

Sincerely,

  
Geoffrey P. Kirshbaum  
THE TERRILL FIRM, P.C.

cc: Ralph Daigneault

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PUC DOCKET NO. 44354

FILED

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

BEFORE THE PUBLIC UTILITY COMMISSION  
 PUBLIC UTILITY COMMISSION  
 COMMISSION OF TEXAS

### AQUA TEXAS' RESPONSE TO ORDER NO. 2

COMES NOW, Aqua Texas, Inc. d/b/a Aqua Texas ("Aqua Texas") and files this Response to Order No. 2 Finding Application Incomplete and Deficient, Establishing Deadlines and Opportunity to Cure. In support, Applicants would show as follows.

1. On March 13, 2015, Aqua Texas, Inc. d/b/a Aqua Texas (Aqua Texas) filed an application with the Public Utility Commission of Texas (Commission) to amend its water and sewer certificates 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 retail water and wastewater utility services to a commercial development within the boundaries of Harris County Improvement District No. 17.

2. On April 10, 2015, Commission Staff (Staff) filed its Response to Order No.1 recommending that the Application be found deficient. With that filing, Staff attached a memorandum from Staff employees Debbie Reyes-Tamayo and Tracy Harbour ("Memorandum") recommending that Aqua Texas be directed to cure certain deficiencies as described below:

- The applicant should provide proof that the preliminary engineering report, or plans and specifications submitted to the TCEQ for the proposed system have been approved.
- The Applicant must show they have submitted a Summary Transmittal Letter to the TCEQ for review and approval. The Applicant must also demonstrate that the Summary Transmittal Letter or plans and specs for the referenced wastewater treatment plant have been approved by the TCEQ.

- The Applicant should provide a business plan and analysis regarding how much the new systems will cost and [how the systems will be] paid for as well as financial projections for the new systems.
- The Applicant should submit updated general location (small scale) maps only delineating the proposed water and sewer service areas with enough detail to accurately locate them in proximity to a nearby town, city or portion of Harris County. The maps should zoom in closer in order to clearly delineate the outer boundary of both the proposed water and sewer service areas.
- The Applicant must file documentation of H-M-W SUD's agreement for decertification of the area of overlap, or resubmit a large scale map and digital data for their proposed water service area removing the portion overlapping with H-M-W SUD's existing water CCN 10342.

3. On April 13, 2015, Order No. 2 provided Aqua Texas until May 8, 2015 for Aqua Texas to amend the Application and cure the deficiencies identified by Staff.

4. On April 20, 2015, Aqua Texas conferred with Staff about the first three deficiency recommendations that do not relate to mapping issues. Aqua Texas and Staff agreed that those items do not need to be addressed as part of the administrative review process for the Application. Instead, Aqua Texas may work with Staff to address those issues as part of the substantive review process for the Application. The Application may be found administratively complete without an Application amendment to address those items.

5. On April 24, 2015, Aqua Texas conferred with Staff about the two mapping issues described in the Memorandum. Aqua Texas agreed to revise the general location (small scale) maps in accordance with Staff directions to address the first issue. To address the second issue related to the H-M-W SUD CCN No. 10342 overlap, Aqua Texas agreed to revise its proposed water CCN area maps to exclude the overlap areas. The Parties agree that H-M-W SUD does not have a sewer CCN that necessitates amendment of Aqua Texas' proposed sewer CCN area maps due to overlap.

6. On April 30, 2015, Aqua Texas submitted draft revised maps to Staff for review. On May 7, 2015, Staff informed Aqua Texas that its draft revised maps were acceptable with one exception. Within the General Location (small scale) maps, a street name was obscuring a portion of area that is not within the proposed CCN areas or HCID 17 boundaries. Aqua Texas has addressed that issue in the set of maps filed with this response.

7. After receiving Staff's feedback on May 7, 2015, Aqua Texas moved for an extension of the deadline to respond to Order No. 2. On May 8, 2015, that motion was granted in Order No. 3. Therefore, this response is timely filed.

8. In sum, in accordance with the Memorandum and follow-up discussions with Staff, Aqua Texas hereby provides the following revised maps in response to Order No. 2:

- a. Revised Water and Sewer General Location (small scale) maps
- b. Revised Proposed Water CCN Area Maps.

These filed maps should be sufficient to cure the alleged Application deficiencies identified by Staff that need to be addressed at this stage of the application process. Aqua Texas respectfully requests that the Honorable Administrative Law Judge find the Application administratively complete so that the Application may proceed to the next stage.

### **CONCLUSION**

Aqua Texas hereby submits its revised Application map documents in response to Order No. 2 and follow-up Staff directives. Aqua Texas respectfully requests the Application be declared administratively complete and that the Commission ultimately approve the Application.

Respectfully submitted,

THE TERRILL FIRM, P.C.

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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 May 12, 2015 in accordance with P.U.C. Procedural Rule 22.74.

Geoffrey P. Kirshbaum  
Geoffrey P. Kirshbaum