



Control Number: 44875



Item Number: 46

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RECEIVED

APPLICATION OF AQUA TEXAS,
INC. DBA AQUA TEXAS TO AMEND
CERTIFICATES OF CONVENIENCE
OF AND NECESSITY IN
MONTGOMERY COUNTY

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PUBLIC UTILITY COMMISSION: 58

OF TEXAS
PUBLIC UTILITY COMMISSION
FILING CLERK

JOINT PROPOSED NOTICE OF APPROVAL AND MOTION TO ADMIT EVIDENCE

COMES NOW Staff of the Public Utility Commission (Staff), representing the public interest, together with Aqua Texas, Inc. (“Aqua Texas” or “Applicant”) (collectively, “Parties”), and files this Joint Proposed Notice of Approval and Motion to Admit Evidence. In support thereof, the parties show the following:

I. BACKGROUND

On June 24, 2015, Aqua Texas, Inc. d/b/a Aqua Texas filed with the Commission an application to amend its water certificate of convenience of necessity (CCN) No. 13203 and sewer CCN No. 21065 in Montgomery County, Texas pursuant to Texas Water Code §§ 13.242-.250 and 16 Tex. Admin. Code §§ 24.101-.107 (“Application”). The Commission received the Application on June 24, 2015. On August 24, 2015, October 22, 2015 and December 21, 2015, the Applicant filed Supplemental Application Information. On January 22, 2016, the Application was deemed sufficient for filing. The Applicant provided affidavits of notice on February 16, 2016. On March 30, 2016, Aqua Texas filed additional Supplemental Application Information. On August 26, 2016, Staff recommended approval of the Application. Order No. 12, issued on September 1, 2016 gave the parties until September 14, 2016 to file proposed findings of fact, conclusions of law, and ordering paragraphs.

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III. JOINT MOTION TO ADMIT EVIDENCE

The Parties move to admit the following evidence into the record of this proceeding: (a) Aqua Texas' June 24, 2015 Application (Item No. 1); (b) Aqua Texas' Response to Order No. 2 (Item No. 7 filed on August 24, 2015); (c) Aqua Texas' August 24, 2015 letter to Fred Bednarski (Item No. 8 filed on August 25, 2015); (d) Aqua Texas' Response to Order No. 3 (Item No. 11 filed on October 22, 2015); (e) Aqua Texas' Response to Order No. 4 (Item No. 15 filed on December 21, 2015); (f) a publisher's affidavit dated February 16, 2016 (Item No. 19, filed February 16, 2016); (g) an affidavit of notice to neighboring systems, landowners and cities dated February 16, 2016 (Item No. 18, filed February 16, 2016); (h) Aqua Texas Response to Staff's 1st Request for Information (Item No. 24, filed March 29, 2016); (i) Aqua Texas' Supplemental Application Information (Item No. 26, filed March 30, 2016); (j) Aqua Texas' Response to Staff's 2nd Request for Information (Item No. 41, filed August 10, 2016) and (k) Staff's recommendation regarding final disposition and attachments thereto (Item No. 44, filed August 26, 2016).

IV. PROPOSED NOTICE OF APPROVAL

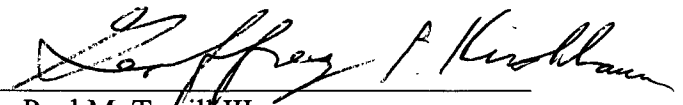
The attached Joint Proposed Notice of Approval would grant Aqua Texas' Application to amend its water CCN No. 13203 and sewer CCN No. 21065 in Montgomery County.

V. CONCLUSION

The Parties respectfully request that the Commission grant the requested extension, admit the evidence as requested, and approve the attached Joint Proposed Notice of Approval.

Respectfully submitted,

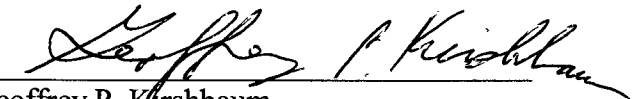
TERRILL & WALDROP

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**ATTORNEYS FOR AQUA TEXAS, INC.
D/B/A AQUA TEXAS**

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 14, 2016 in accordance with P.U.C. Procedural Rule 22.74.


Geoffrey P. Kirshbaum

PUC DOCKET NO. 44875

APPLICATION OF AQUA TEXAS,	§	PUBLIC UTILITY COMMISSION
INC. DBA AQUA TEXAS TO AMEND	§	
CERTIFICATES OF CONVENIENCE	§	OF TEXAS
OF AND NECESSITY IN	§	
MONTGOMERY COUNTY	§	

NOTICE OF APPROVAL

This Notice of Approval addresses the application (Application) of Aqua Texas, Inc. d/b/a Aqua Texas (Aqua Texas or Applicant) for approval of an amendment to its water and sewer certificates of convenience and necessity (CCN) No. 13203 and No. 21065 in Montgomery County. Through its Application, Aqua Texas seeks to amend its water and sewer CCN Nos. 13203 and 21065 pursuant to Texas Water Code §§ 13.242-.250 and 16 Tex. Admin. Code §§ 24.101-.107. The total area being requested includes approximately 195 acres. The Public Utility Commission Staff (Staff) recommended approval of this application. The application is approved. The Commission adopts the following findings of fact and conclusions of law:

FINDINGS OF FACT

Procedural History

1. On June 24, 2015, Aqua Texas filed an Application with the Public Utility Commission of Texas (Commission) to amend its water and sewer CCN Nos. 13203 and 21065 in Montgomery County.
2. The total proposed service area requested in this Application consists of approximately 195 acres.
3. On August 24, 2015, October 22, 2015, and December 21, 2015, Aqua Texas filed Supplemental Application Information which provided approvals from the Texas Commission on Environmental Quality (“TCEQ”) for proposed system extensions and additional mapping information.

4. On January 22, 2016, Order No. 5 was issued, deeming the application sufficient for filing.

5. On February 24, 2016, Order No. 6 was issued, finding the notice sufficient and adopting an updated procedural schedule.

6. On March 30, 2016, Aqua Texas filed Supplemental Application Information which provided the correct water utility tariff that Aqua Texas intends to implement in the amended certificated area.

7. On August 16, 2016, Aqua Texas submitted a signed consent form evidencing its consent to the proposed map, certificate, and revised tariff.

8. On August 26, 2016 Staff recommended that the Application be approved.

9. On September 14, 2016, the parties filed a joint proposed notice of approval and motion to admit evidence.

Notice

9. The Commission caused notice of this application to be published in the *Texas Register* on July 10, 2015.

10. Notice was provided by publication in the *Houston Business Journal* on February 5, 2016 and February 12, 2016.

11. A publisher's affidavit dated February 16, 2016, and signed by Kim Deshazer, the Classified Administrator of the *Houston Business Journal*, attests to this notice.

12. Aqua Texas mailed notice of the Application to neighboring systems, landowners, and cities and to neighboring utilities and affected parties on February 9, 2016.

13. An affidavit that these landowners and other entities received notice was dated February 16, 2016 and was filed with the Commission on February 16, 2016.

Evidentiary Record

14. On September __, 2016, Order No. 13 was issued, admitting evidence into the record of this proceeding.

Informal Disposition

15. More than 15 days have passed since completion of the notice provided in this docket.

16. There were no protests or hearing requests filed in response to the public notices.

17. Staff and Aqua are the only parties to the proceeding.

18. No hearing is necessary.

19. The CCN certificate, map, and tariff as admitted are approved.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction and authority over this docket pursuant to the Tex. Water Code §§ 13.242- 13.250 (TWC) and 16 Tex. Admin. Code §§ 24.101 - 24.107 (TAC).

2. Aqua Texas is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(58).

3. Aqua Texas has provided public notice of the Application in compliance with TWC § 13.246 and with 16 TAC § 24.106.

4. After considering the relevant factors in TWC § 13.246(c), Aqua Texas has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area and its current service area.

5. Aqua Texas has demonstrated that the Application meets the requirements set forth in TWC §§ 13.242 - 13.250 and in 16 TAC §§ 24.101 and 24.102 to be granted an amendment to its CCN.

6. Aqua Texas demonstrated that an amendment of its water and sewer CCN Nos. 13203 and 21065 is necessary for the service, accommodation, convenience, or safety of the public, as required under TWC § 13.246(b) and 16 TAC § 24.102(c).

7. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

III. ORDERING PARAGRAPHS

In accordance with these findings of fact and conclusions of law, the Commission issues the following order:

1. Aqua Texas' Application is approved.
2. Aqua Texas' water CCN No. 13203 is hereby amended to reflect the addition of 195 acres of its service area in Montgomery County.
3. Aqua Texas' sewer CCN No. 21065 is hereby amended to reflect the addition of 195 acres of its service area in Montgomery County.
4. Aqua Texas shall comply with the recording requirements in TWC § 13.257(r) for the area in Montgomery County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
5. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are denied.

SIGNED AT AUSTIN, TEXAS on the day of _____, 2016

PUBLIC UTILITY COMMISSION OF TEXAS
ADMINISTRATIVE LAW JUDGE