



Control Number: 44875



Item Number: 5

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DOCKET NO. 44875

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

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PUBLIC UTILITY COMMISSION

OF TEXAS

FILED CLERK

## COMMISSION STAFF'S RESPONSE TO ORDER NO. 1

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 1 and would show the following:

### I. BACKGROUND

On June 24, 2015, Aqua Texas, Inc. d/b/a Aqua Texas (Applicant) filed an application to amend its water and sewer certificates of convenience and necessity (CCN) Nos. 13203 and 21065 in Montgomery County, Texas pursuant to Tex. Water Code Ann. Subchapter G and Title 16, Tex. Admin. Code (16 TAC) Subchapter G. In this application, the Applicant requests the addition of approximately 195.46 acres of property owned by Pulte Homes.

On June 26, 2015, the Commission Administrative Law Judge (ALJ) issued Order No. 1, requiring Commission Staff to file comments on the administrative completeness of the application and proposed notice by July 24, 2015. This Response is timely filed.

### II. COMMENTS ON ADMINISTRATIVE COMPLETENESS

As detailed in the attached memo (Attachment A) from Debbie Reyes Tamayo and Tracy Harbour in the Commission's Water Utilities Division, Staff has reviewed the application and recommends that the application be found materially deficient pursuant to 16 TAC § 24.106. Staff identified deficiencies in the mapping information and application information supplied by the Applicant. Specifically, the maps and mapping documents provided in the application do not meet the Commission's mapping requirements pursuant to 16 TAC § 24.105(a). The deficiencies identified by Staff prevent staff from completing a mapping overlap check of the application to determine the actual location of the proposed new CCN service areas. The overlap check is integral in determining whether the information submitted by the Applicant in its application is sufficient.

The overlap check allows Staff to determine whether the Applicant's proposed CCN area overlaps with other existing CCN areas and whether the Applicant has provided notice to the proper affected parties. Additionally, the Applicant has not provided an engineering report addressing proposed water and sewer improvements for the area.

In order to cure the identified deficiencies, Staff recommends that the Applicant provide revised digital data delineating only the proposed water and sewer service areas subject to this application. The revised digital data must correspond to the same proposed water and sewer service areas shown on both the small and large scale maps provided with the application and must include approximately 195 acres as provided on small and large scale maps and notice documents. Additionally, Staff recommends that the Applicant provide a preliminary engineering report addressing water and sewer improvements for the proposed area, along with proof that the preliminary engineering report has been submitted to the Texas Commission on Environmental Quality (TCEQ).

16 TAC § 24.8(a) provides that, if material deficiencies exist in a rate/tariff change application or notice, the application may be rejected. Pursuant to 16 TAC § 24.8(a), the application is not considered filed until the Commission determines that the application and notice are both administratively complete. Staff has identified deficiencies in the application and cannot complete its administrative review of the application until the deficiencies are cured. Therefore, Staff recommends that the application package be found **not administratively complete** pursuant to TEX. WATER CODE ANN. Subchapter G and 16 TAC Subchapter G. Staff recommends that the application package be rejected pursuant to 16 TAC § 24.8(a) until the deficiencies are cured and respectfully requests that the Applicant be given until **August 24, 2015** to cure the identified deficiencies. Upon receipt of information responsive to this recommendation, Staff proposed to file a supplemental recommendation on the application and notice by **September 24, 2015**. Staff further recommends that the Applicant be directed to not publish notice of the application until the maps, digital data, notice documents, and a five-mile list of entities have been approved by Staff.

### **III. PROPOSED PROCEDURAL SCHEDULE**

Staff recommends that the application be found not administratively complete due to deficiencies in the mapping and application information supplied by the Applicant. Accordingly, Staff has not proposed a procedural schedule for this application at this time.

#### IV. CONCLUSION

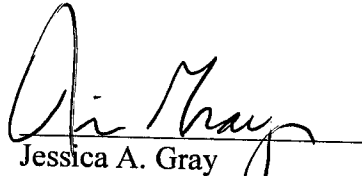
Staff recommends that the application is not administratively complete due to deficiencies in the mapping information and application information filed by the Applicant. Therefore, Staff respectfully recommends that the Applicant be given until **August 24, 2015** to cure the identified deficiencies. Upon receipt of information responsive to this recommendation, Staff proposed to file a supplemental recommendation on the application and notice by **September 24, 2015**. In the event that Staff determines that the Applicant's amended application is administratively complete, Staff will propose a procedural schedule. Staff respectfully requests that the ALJ issue an order consistent with this Response.

**Date: July 24, 2015**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

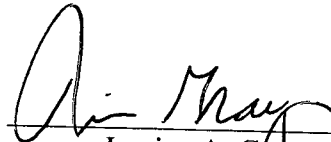
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**DOCKET NO. 44875**  
**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on July 23, 2015, in accordance with 16 TAC § 22.74.

  
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Jessica A. Gray, Attorney

## ATTACHMENT A

## PUC Interoffice Memorandum

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**To:** Jessica Gray, Attorney  
Legal Division

**Thru:** Tammy Benter, Director  
Water Utilities Division

**From:** Debbie Reyes Tamayo, Program Specialist  
Tracy Harbour, GIS Specialist  
Water Utilities Division

**Date:** July 22, 2015

**Subject:** Docket No. 44875, *Application of Aqua Texas, Inc. dba Aqua Texas Certificate of Convenience and Necessity (CCN) Nos. 13203 and 21065, to amend water and sewer service areas in Montgomery County*

On May 22, 2014, Aqua Texas, Inc. dba Aqua Texas (Applicant), filed an application to amend Certificate of Convenience and Necessity (CCN) Nos. 13203 and 21065, in Montgomery County, Texas. The application is being reviewed under the Public Utility Commission's (PUC) Substantive Rules, 16 Tex. Admin. Code §§24.102, 24.105, and 24.107.

The requested area consists of approximately 195.46 acres adjoining the CCN service areas of 13203 and 21065. The Applicant proposes to provide water and sewer service to the Pulte Homes (Pulte) Addition, a subdivision in Montgomery County. The Applicant projects to serve an additional 577 water and sewer connections in the proposed area.

### **Map Content**

Upon Staff's review of this information, we have determined that the mapping documents are insufficient. In order to continue processing this application, the Applicant must do the following:

Submit revised digital data delineating only the proposed water and sewer service areas subject to this application.

- The revised digital data must correspond to the same proposed water and sewer service areas shown on both small and large scale maps (Attachments 7 and 8).
- The revised digital must include approximately 195 acres as provided on small and large scale maps and notice documents.

### **Application Content**

Upon Staff's review of this information, we have determined that the application is insufficient. In order to continue processing this application, the Applicant must submit the following:

- A preliminary engineering report addressing water and sewer improvements; and
- Proof that the preliminary engineering report, or plans and specifications for the proposed system have been submitted to the TCEQ.

Staff further recommends that the Applicant be ordered to file written responses with the Commission within 30 days from the Commission Order.

TB/DRT

Docket No. 44875