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APPLICATION OF AQUA TEXAS, INC. §  
 AND MONTGOMERY COUNTY §  
 MUNICIPAL UTILITY DISTRICT NO. §  
 126 FOR SALE, TRANSFER, OR §  
 MERGER OF FACILITIES AND §  
 CERTIFICATE RIGHTS IN §  
 MONTGOMERY COUNTY §

BEFORE THE PUBLIC UTILITY  
 PUBLIC UTILITY COMMISSION  
 CLERK  
 COMMISSION OF TEXAS

### JOINT MOTION TO CORRECT SCRIVENER'S ERRORS

COME NOW, Aqua Texas, Inc. d/b/a Aqua Texas (Aqua) and Montgomery County Municipal Utility District No. 126 (MUD 126) (collectively, the Parties) and file this Joint Motion to Correct Scrivener's Errors in the Commission's September 19, 2017 Notice of Approval and Order No. 11 Admitting Evidence (Final Approval Documents) issued earlier this week. Staff of the Public Utility Commission of Texas (Staff) is unopposed to Parties motion. In support thereof, the Parties show the following.

#### I. BACKGROUND

On September 5, 2017, the Parties filed a Joint Motion to Admit Evidence and Proposed Notice of Approval. This filing preceded the Commission's September 19, 2017 Final Approval Documents. Upon review, the Parties have identified certain scrivener's errors that require correction to complete this docket.

#### II. SCRIVENER'S ERRORS

First, in the Notice of Approval, Conclusion of Law (COL) No. 9 and Ordering Paragraph No. 7 should be corrected to exclude MUD 126 from the recording requirements of TWC § 13.257(r) and 16 TAC § 24.106(e). This is because TWC § 13.257(a) defines "utility service

provider” as a “retail public utility *other than a district subject to Section 49.452 of this code.*”<sup>1</sup>

Unlike Aqua, MUD 126 qualifies for this TWC § 13.257(a) exception. MUD 126 has not agreed to waive its statutory exception, and the Parties deliberately excluded MUD 126 from these requirements in their joint proposed notice of approval in recognition of same. Thus, the Parties believe the Notice of Approval requires correction on this point through deletion of “and MUD 126” within COL 9 and deletion of Ordering Paragraph No. 7 in its entirety.

Second, the Parties have noted certain typos in both Final Approval Documents as issued.

The following dates require correction:

1. Finding of Fact (FOF) No. 9 in the Notice of Approval should be changed from “September 7, 2017” to “September 7, 2016”.
2. FOF No. 10 in the Notice of Approval should be changed from “October 17, 2017” to “October 17, 2016”.
3. The signature dates on both Final Approval Documents should be changed from “19<sup>th</sup> day of September 2016” to a date in 2017.

Additionally, there appears to be a punctuation error at the end of COL No. 8 in the Notice of Approval document. Finally, in each Final Approval Document, the abbreviated identifiers for the Parties (*e.g.*, “Aqua” or “MUD 126”) should be defined at the start of each document consistent with their use throughout.

In sum, there are a few items within the Final Approval Documents that warrant attention before this docket is finally closed. While the maps and certificates attached to the Notice of Approval are correct, the Parties believe the aforementioned items should be corrected.

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<sup>1</sup> TWC § 13.257(a) (emphasis added). The Parties note that such excepted districts are subject to other non-CCN related statutory recording requirements for their boundaries, but those requirements are not found in TWC Chapter 13 or within the purview of this Commission.

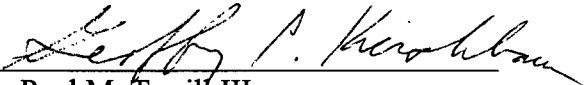
### **III. JOINT MOTION TO CORRECT SCRIVENER'S ERRORS**

The Parties respectfully request corrected Final Approval Documents from the Commission that reverse the scrivener's errors described above. This will relieve MUD 126 of concerns about the ordered recording obligations and improve the docket record for future reference.

### **IV. CONCLUSION**

The Parties respectfully request that the Commission grant this joint motion and issue a corrected Notice of Approval and Order Admitting Evidence consistent with same.

**Respectfully submitted,**

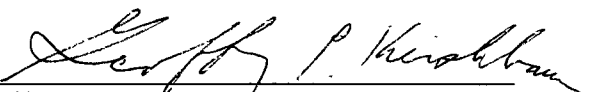
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**ATTORNEYS FOR AQUA TEXAS, INC.**

### **CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on September 25, 2017 in accordance with 16 TAC § 22.74.

  
Geoffrey P. Kirshbaum