

Control Number: 46181



Item Number: 16

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RECEIVED

APPLICATION OF AQUA TEXAS, INC. §  
DBA AQUA TEXAS TO AMEND §  
CERTIFICATES OF CONVENIENCE §  
AND NECESSITY IN CHAMBERS §  
COUNTY (LGI HOMES) §

BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS  
2017 JAN 3 AM 10:50  
PUBLIC UTILITY COMMISSION  
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 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 July 18, 2016, 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 Chambers County, Texas pursuant to Texas Water Code §§ 13.242-.250 and 16 Tex. Admin. Code §§ 24.101-.107 (Application). The Application was received by the Commission on July 18, 2016. On August 18, 2016, the Application was deemed sufficient for filing. The Applicant provided affidavits of notice on September 23, 2016. On December 27, 2016, Staff recommended approval of the Application. Order No. 3, issued on October 4, 2016, gave the Parties until January 3, 2017 to file proposed findings of fact, conclusions of law, and ordering paragraphs.

**II. JOINT MOTION TO ADMIT EVIDENCE**

The Parties move to admit the following evidence into the record of this proceeding: (a) Aqua's July 18, 2016 Application (Item No. 1, filed July 18, 2016); (b) a publisher's affidavit dated September 9, 2016 (Item No. 8, filed September 23, 2016) and an affidavit of notice to

neighboring systems, landowners and cities dated September 23, 2016 (Item No. 7, filed September 23, 2016); (c) Aqua's Response to Staff's 1<sup>st</sup> Request for Information (Item No. 12, filed November 18, 2016); and (d) Staff's recommendation regarding final disposition and attachments thereto (Item No. 14, filed December 27, 2016).


### **III. PROPOSED NOTICE OF APPROVAL**

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

### **IV. CONCLUSION**

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

Respectfully submitted,

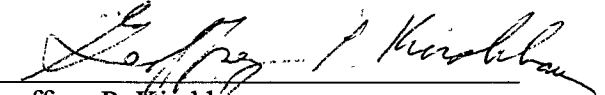
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**ATTORNEYS FOR AQUA TEXAS, INC. D/B/A AQUA  
TEXAS**

## CERTIFICATE OF SERVICE

I hereby CERTIFY that on January 3, 2017, a true and complete copy of the above was sent to all counsel of record in accordance with P.U.C. PROC. R. 22.74

  
\_\_\_\_\_  
Geoffrey P. Kirshbaum



**PUC DOCKET NO. 46181**

<b>APPLICATION OF AQUA TEXAS, INC.</b>	<b>§</b>	<b>BEFORE THE PUBLIC UTILITY</b>
<b>DBA AQUA TEXAS TO AMEND</b>	<b>§</b>	
<b>CERTIFICATES OF CONVENIENCE</b>	<b>§</b>	<b>COMMISSION OF TEXAS</b>
<b>AND NECESSITY IN CHAMBERS</b>	<b>§</b>	
<b>COUNTY (LGI HOMES)</b>	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the application (Application) of Aqua Texas, Inc. d/b/a Aqua Texas (Aqua or Applicant) for approval of amendments to its water and sewer certificates of convenience and necessity (CCN) No. 13203 and No. 21065 in Chambers County. Through its Application, Aqua 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 93.49 acres, 0 current customers, and no infrastructure. The Public Utility Commission (Commission) 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 July 18, 2016, Aqua filed an Application with the Commission to amend its water and sewer CCN Nos. 13203 and 21065 in Chambers County.
2. The total proposed service area addition requested in this Application consists of approximately 93.49 acres, 0 current customers and no infrastructure.
3. On August 18, 2016, Order No. 2 was issued, deeming the application sufficient for filing.

4. On October 4, 2016, Order No. 3 was issued, finding the notice sufficient and adopting an updated procedural schedule.

5. On December 20, 2016, Aqua submitted a signed consent form evidencing its consent to the proposed map, certificate, and revised tariff.

6. On December 27, 2016, Staff recommended that the Application be approved.

7. On January 3, 2017, the parties filed a joint proposed notice of approval and motion to admit evidence.

#### **Notice**

8. The Commission caused notice of this application to be published in the *Texas Register* on July 29, 2016.

9. Notice was provided by publication in the *Baytown Sun* on August 26, 2016 and September 2, 2016.

10. A publisher's affidavit dated September 9, 2016 and signed by Jessica Rodriguez, an Agent of the *Baytown Sun*, attests to this notice.

11. Aqua mailed notice of the Application to neighboring systems, landowners, and cities and to neighboring utilities and affected parties on September 6, 2016.

12. An affidavit that these landowners and other entities received notice was dated September 23, 2016 and was filed with the Commission on September 23, 2016.

#### **Evidentiary Record**

13. On January \_\_\_, 2017, Order No. 4 was issued, admitting evidence into the record of this proceeding.

### **Informal Disposition**

14. More than 15 days have passed since completion of the notice provided in this docket.
15. There were no protests or hearing requests filed in response to the public notices.
16. No hearing is necessary.
17. 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 is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(58).
3. Aqua 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 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 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 demonstrated that amendments 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's Application is approved.
2. Aqua's water CCN No. 13203 is hereby amended to reflect the addition of 93.49 acres of its service area in Chambers County.
3. Aqua's sewer CCN No. 21065 is hereby amended to reflect the addition of 93.49 acres of its service area in Chambers County.
4. Aqua shall comply with the recording requirements in TWC § 13.257(r) for the area in Chambers 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 \_\_\_\_\_, 2017.

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PUBLIC UTILITY COMMISSION OF TEXAS  
ADMINISTRATIVE LAW JUDGE