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DOCKET NO. 46181

APPLICATION OF AQUA TEXAS, INC. DBA AQUA TEXAS TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY IN CHAMBERS COUNTY	§	PUBLIC UTILITY COMMISSION
	§	2016 SEP 30 PM 1:03
	§	OF TEXAS
	§	PUBLIC UTILITY COMMISSION
	§	FILING CLERK

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Recommendation on Sufficiency of Notice in response to Order No. 2. In support thereof, Staff would show the following:

I. BACKGROUND

On July 18, 2016, Aqua Texas, Inc. d/b/a Aqua Texas filed with the Public Utility Commission of Texas (Commission) an application to amend its water certificate of convenience and necessity (CCN) No. 13203 and sewer CCN No. 21065 in Chambers County to include 93.49 acres and no current customers to its service area. Aqua Texas proposes the amendment for provision of services to the proposed Joseph's Cove development.

On August 18, 2016, the Administrative Law Judge (ALJ) issued Order No. 2, which required Aqua Texas to file proof of completed notice by October 3, 2016. Order No. 2 also required Staff to file a recommendation on the sufficiency of notice and to propose an additional procedural within 10 days of Aqua Texas filing proof of completed notice. On September 23, 2016, Aqua Texas filed proof of completed notice. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON SUFFICIENCY OF NOTICE

Notice requirements for CCN applications are governed by Tex. Water Code Ann. § 13.246 (TWC) and 16 Tex. Admin. Code § 24.106 (TAC). On September 23, 2016, Aqua Texas submitted an affidavit, signed by Geoffrey P. Kirshbaum and dated September 23, 2016, confirming that notice was provided to neighboring utilities and affected parties on September 6, 2016. Aqua Texas also included copies of those notices along with a map of the proposed service area. Aqua Texas also submitted an affidavit indicating that notice was given in a newspaper regularly published and generally circulated in Harris and Chambers Counties along with a copy

of the notice in the newspaper. Aqua Texas published notice in the newspaper on August 26, 2016 and September 2, 2016.

Staff has reviewed Aqua Texas' proof of completed notice and, recommends that notice be found sufficient.

III. PROPOSED PROCEDURAL SCHEDULE

Staff recommends that notice be found sufficient. Staff therefore proposes the following procedural schedule:

Event	Date
Notice completed	September 6, 2016
Deadline for intervention	October 6, 2016 ¹
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to Applicant for review and consent	December 6, 2016
Deadline for Applicant to file signed consent forms with the Commission	December 20, 2016
If no hearing is requested, deadline for Staff to file a final recommendation on the Application	December 27, 2016
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	January 3, 2017

Staff has conferred with Aqua Texas and can represent that Aqua Texas agrees to Staff's proposed procedural schedule.

¹Pursuant to 16 TAC § 24.106(a)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was mailed on September 6, 2016 and published on August 26, 2016 and September 2, 2016. Therefore, 30 days after September 6, 2016 is October 6, 2016.

IV. CONCLUSION

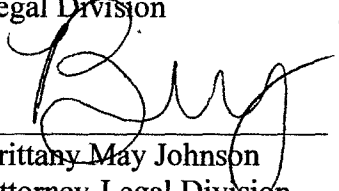
Staff respectfully requests that the ALJ issue an order finding Aqua Texas' notice sufficient, and adopting Staff's proposed procedural schedule.

Filed: September 30, 2016

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Katherine Lengieza Gross
Managing Attorney
Legal Division

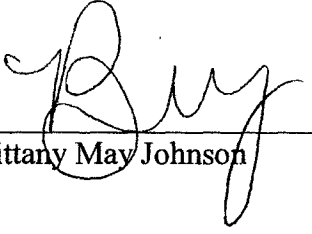


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 30, 2016 in accordance with 16 TAC § 22.74.



Brittany May Johnson