



Control Number: 46378



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO. **46378** RECEIVED

**AQUA TEXAS, INC.'S NOTICE OF
INTENT TO PROVIDE RETAIL
SEWER UTILITY SERVICE TO AREA
DECERTIFIED FROM GULF COAST
WASTE DISPOSAL AUTHORITY,
CERTIFICATE OF CONVENIENCE
AND NECESSITY NO. 20465, IN
CHAMBERS COUNTY**

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2016 SEP 19 PM 3:50
BEFORE THE PUBLIC UTILITY
COMMISSION
PUBLIC UTILITY COMMISSION
COMMISSION OF TEXAS
FILED CLERK

**AQUA TEXAS, INC.'S NOTICE OF INTENT TO PROVIDE RETAIL SEWER UTILITY
SERVICE TO TRACT DECERTIFIED FROM GULF COAST WASTE DISPOSAL
AUTHORITY**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW, Aqua Texas, Inc. d/b/a Aqua Texas ("Aqua" or "Applicant") and files this Notice of Intent to Provide Retail Sewer Utility Service ("NOI" or "Application") to property previously decertified from Gulf Coast Waste Disposal Authority's ("GCWDA") Certificate of Convenience and Necessity ("CCN") No. 20465 in Chambers County, Texas in P.U.C. Docket No. 45718. In support thereof, Aqua would show the following.

I. PURPOSE OF NOTICE OF INTENT

Texas Water Code (TWC) §13.254(d)-(e) and P.U.C. SUBST. R. §24.113(h)-(i) set forth a procedure by which a retail public utility seeking to provide retail water or sewer service to an area decertified under TWC §13.254 or P.U.C. SUBST. R. §24.113 must provide a notice of intent to provide such service to the Commission prior to commencing same. The purpose of this NOI is to enable the Commission to consider whether compensation must be paid to the decertified CCN holder for any property the commission determines is rendered useless or valueless to the decertified retail public utility as a result of the decertification before the intended service is provided by the new retail public utility filing the NOI. The Commission has recently clarified

that there may be cases where no property is rendered useless or valueless by a decertification.¹ In such cases, Aqua submits the appraisal process set forth elsewhere within TWC §13.254 and P.U.C. SUBST. R. §24.113 is not necessary.

II. NOTICE OF INTENT TO SERVE DECERTIFIED PROPERTY

Aqua hereby provides notice that it intends to provide retail sewer utility service within the 2,809 acres released from CCN No. 20465 by decertification in Docket No. 45718 (the “Property”).² Here, however, the property and compensation issues are undisputed.

GCWDA is the decertified sewer CCN holder for the Property and GCWDA has determined that no property was rendered useless or valueless as a result of the decertification approved in Docket No. 45718 at GCWDA’s request.³ The sewer CCN release for the Property occurred with GCWDA’s consent.⁴ GCWDA’s counsel has reviewed and approved this NOI filing. Applicant is sending a copy of this Application to GCWDA on the same day as its submission to the Commission so that this NOI to the Commission also provides notice to GCWDA of Aqua’s intent to provide retail sewer utility service to the Property.

For all these reasons, Aqua seeks Commission approval to provide retail sewer utility service to the Property as may be permitted by other applicable law without providing compensation to GCWDA or seeking out an appraisal for same. Aqua respectfully requests that the Commission approve this matter administratively as an uncontested application without a

¹ PUC Docket No. 45679 (Zipp Road Utility Company LLC’s Notice of Intent to Provide Sewer Service to Area Decertified from Guadalupe-Blanco River Authority in Guadalupe County) Item No. 25 Memorandum from Commissioner Anderson.

² PUC Docket No. 45718 (Application by Gulf Coast Waste Disposal Authority to Amended Certificate of Convenience and Necessity in Chambers County), Item No. 17 (Notice of Approval). Aqua notes that GCWDA did not and does not hold a water CCN that includes the Property. Thus, this NOI relates to Aqua sewer service only.

³ **Exhibit A** (Affidavit of Ricky Clifton).

⁴ *Id.*

hearing though informal disposition under P.U.C. PROC. R. 22.35 after applicable time frames are met so that Aqua is approved to begin service as soon as possible.

III. CONCLUSION

Aqua respectfully requests the Commission accept this Notice of Intent as administratively complete, proceed with processing, and approve this Application expeditiously so the Property decertified from Gulf Coast Waste Disposal Authority CCN No. 20465 in Docket No. 45718 may receive retail sewer utility service from Aqua. If for any reason the Commission finds the information submitted with this Application is insufficient, Applicant respectfully request it be notified immediately and provided an opportunity to cure any deficiencies identified.

Respectfully submitted,

TERRILL & WALDROP

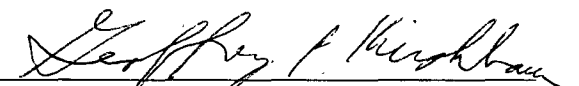
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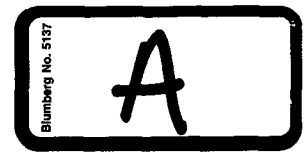
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**ATTORNEYS FOR AQUA TEXAS, INC. D/B/A
AQUA TEXAS**

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 19, 2016 in accordance with P.U.C. Procedural Rule 22.74.


Geoffrey P. Kirshbaum



**AFFIDAVIT OF RICKY CLIFTON
ON BEHALF OF GULF COAST WASTE DISPOSAL AUTHORITY**

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Ricky Clifton, whose identity is known to me. Upon being duly sworn he stated:

1. My name is Ricky Clifton. I am of sound mind and capable of making this Affidavit. The facts stated in this Affidavit are within my personal knowledge and are true and correct.

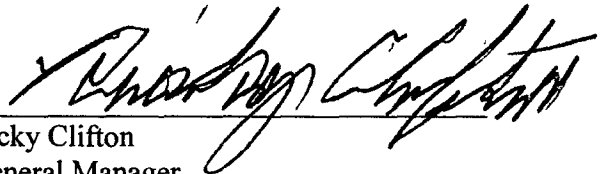
2. I am the General Manager of Gulf Coast Waste Disposal Authority ("GCA"), a political subdivision of the State of Texas created by the Texas Legislature in 1969. I have held that position since January 13, 2011.

3. Attachment A to the Application to Amend Sewer Certification of Convenience and Necessity ("CCN") No. 20465 to voluntarily remove a portion of its service area within Chambers County being filed with the Public Utility Commission of Texas ("PUC") by GCA ("Application") is an agreement reached between GCA and Aqua Texas, Inc. d/b/a Aqua Texas ("Aqua Texas") ("Aqua Texas Agreement"). GCA holds sewer Certificate of Convenience and Necessity ("CCN") No. 20465 which includes service areas in Chambers, Galveston, and Harris Counties, Texas. GCA does not possess a water CCN covering property within its sewer CCN No. 20465 area. In the Aqua Texas Agreement GCA agreed to file an Application to amend its sewer CCN to remove a portion of its service area in Chambers County, as more particularly described therein (the "Subject Area"), and consented for Aqua Texas to seek CCN approvals from the PUC to serve the Subject Area as needs arise.

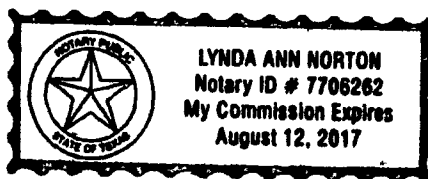
4. GCA also understands that water and sewer service within a quarter mile by Aqua Texas may be feasible for some portions of the Subject Area without a CCN once the requested sewer CCN amendment is approved. GCA consents to such service to the Subject Area with or without a CCN as may be otherwise permitted under applicable law.

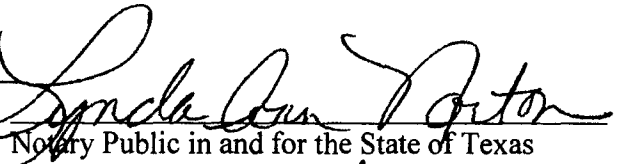
5. GCA notes that Aqua has committed to reimburse it for certain legal expenses incurred as a result of the Application and other decertification applications within the Subject Area as specified in the Aqua Texas Agreement. Otherwise, GCA has determined that no GCA property was rendered useless or valueless as a result of the decertification requested in the Application, no compensation is owed to GCA for same, and no appraisal is needed to determine just compensation owed to GCA for the release. GCA has no wastewater treatment or collection facilities to provide sewer service within the Subject Area of the Application and GCA has not made plans to install same.

Further affiant sayeth not.


Ricky Clifton
General Manager
Gulf Coast Waste Disposal Authority

SWORN TO and SUBSCRIBED before me by Ricky Clifton on March 9, 2016.




Notary Public in and for the State of Texas
My commission expires: August 12, 2017