



Control Number: 46378



Item Number: 5

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**AQUA TEXAS, INC.'S NOTICE OF
INTENT TO PROVIDE SEWER
SERVICE TO THE AREA
DECERTIFIED FROM GULF COAST
WASTE DISPOSAL AUTHORITY IN
CHAMBERS COUNTY**

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2016 OCT 7 PM 4:01
BEFORE THE PUBLIC UTILITY
COMMISSION OF TEXAS

JOINT PROPOSED NOTICE OF APPROVAL AND MOTION TO ADMIT EVIDENCE

COME NOW Aqua Texas, Inc. ("Aqua") and Gulf Coast Waste Disposal Authority ("GCWDA") and file this Joint Proposed Notice of Approval and Motion to Admit Evidence. In support thereof, the Parties show the following:

I. BACKGROUND

On September 19, 2016, Aqua Texas, Inc. d/b/a Aqua Texas filed with the Commission a Notice of Intent to Provide Sewer Service to the Area Decertified from Gulf Coast Waste Disposal Authority pursuant to Texas Water Code § 13.254 and 16 TEX. ADMIN. CODE § 24.113 ("Application"). The Commission received the Application on September 19, 2016. Order No. 1, issued on September 23, 2016, directed Aqua and GCWDA to file a joint proposed order by October 11, 2016 that includes findings of fact, conclusions of law, and ordering paragraphs.

II. JOINT MOTION TO ADMIT EVIDENCE

Aqua and GCWDA jointly move to admit the following evidence into the record of this proceeding: Aqua Texas' September 19, 2016 Application (Item No. 1)

III. PROPOSED NOTICE OF APPROVAL

The attached Joint Proposed Notice of Approval would grant Aqua Texas' Notice of Intent to Provide Sewer Service to the Area Decertified from Gulf Coast Waste Disposal Authority in Chambers County.

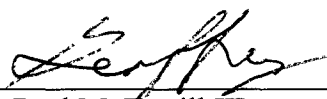

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IV. CONCLUSION

Aqua Texas, Inc. and Gulf Coast Waste Disposal Authority respectfully request that the Commission admit the evidence as requested herein and approve the attached Joint Proposed Notice of Approval.

Respectfully submitted,

TERRILL & WALDROP

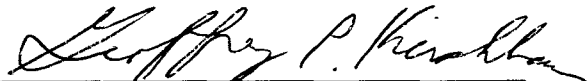
By:  

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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 October 7, 2016 in accordance with P.U.C. Procedural Rule 22.74.



Geoffrey P. Kirshbaum

PUC DOCKET NO. 46378

AQUA TEXAS, INC.'S NOTICE OF	§	BEFORE THE PUBLIC UTILITY
INTENT TO PROVIDE SEWER	§	
SERVICE TO THE AREA	§	COMMISSION OF TEXAS
DECERTIFIED FROM GULF COAST	§	
WASTE DISPOSAL AUTHORITY IN	§	
CHAMBERS COUNTY		

NOTICE OF APPROVAL

This Notice of Approval addresses Aqua Texas, Inc.'s (Aqua) notice of intent to provide sewer service to an approximately 2,809-acre tract of land (Property) in an area decertified from sewer certificate of convenience and necessity (CCN) No. 20465 held by Gulf Coast Waste Disposal Authority (GCWDA) in Chambers County.

FINDINGS OF FACT

Procedural History, Description and Background

1. On August 17, 2016, 2,809 acres of property was decertified from GCWDA's sewer CCN No. 20465 in Docket No. 45718 pursuant to Tex. Water Code § 13.246 (TWC) and 16 Tex. Admin. Code § 24.102 (TAC).
2. TWC § 13.254(a) and 16 TAC § 24.113(a) also address decertification amendments of certificated area with the consent of the CCN holder.
3. On September 19, 2016, Aqua filed a notice of intent (NOI) to provide retail sewer utility service to the Property.
4. Attached as Exhibit A to the NOI was an Affidavit of Ricky Clifton, General Manager of GCWDA, which attests that GCWDA is the decertified sewer CCN holder for the Property and GCWDA determined that no property was rendered useless or valueless as a result of the decertification sought in PUC Docket No. 45718.

5. On September 23, 2016, Order No. 1 was issued ordering Aqua and GCWDA to file a list of items for admission into evidence and a joint proposed order.

6. Notice of the NOI was published in the Texas Register on October 7, 2016.

7. GCWDA has determined that no property has been rendered useless or valueless as a result of decertification of the Property; therefore, no compensation is owed to GCWDA for same and no appraisal is needed to determine just compensation owed to GCWDA in order for Aqua to provide retail sewer utility service to the decertified Property described in the NOI.

8. GCWDA has no wastewater treatment or collection facilities to provide sewer service in the immediate area of the Property, and GCWDA has not made plans to install same.

9. GCWDA did not hold a water CCN for the Property prior to its decertification from GCWDA sewer CCN No. 20465.

Evidentiary Record

10. On October ____, 2016, Order No. 2 was issued, admitting evidence into the record of this proceeding.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this proceeding pursuant to TWC §§ 13.041 and 13.254.

2. GCWDA is a retail public utility as defined in TWC § 13.002(19).

3. Aqua is a retail public utility as defined in TWC § 13.002(19).

4. The NOI for the decertified Property was filed and processed in accordance with the requirements of TWC §13.254 and 16 TAC and 24.113.

5. Aqua's filed NOI served to notify the Commission of its intent to provide retail sewer utility service to the Property as required by TWC § 13.254 and 16 TAC § 24.113.

6. Aqua's service of the NOI on GCWDA provided GCWDA with adequate notice under TWC § 13.254 and 16 TAC § 24.113 of Aqua's intent to provide retail sewer utility service to the decertified Property.

7. Additional public notice of the NOI was provided by the Commission through a notice of the Application published in the Texas Register.

8. All public notice requirements for the NOI are fulfilled.

9. Aqua's NOI fully complies with the requirements of TWC § 13.254 and 16 TAC § 24.113.

10. GCWDA's determinations that no property was rendered useless or valueless by decertification of the Property and that Aqua owes GCWDA no compensation for same are sufficient as a matter of law for the Commission to find under TWC § 13.254 and 16 TAC § 24.113 that neither compensation to GCWDA nor an appraisal for same is required as a condition for Aqua to provide retail sewer utility service to the decertified Property.

11. Aqua must meet all other applicable legal requirements necessary to provide retail sewer utility service to the public within the decertified Property, if any, not specified in TWC § 13.254 or 16 TAC § 24.113.

12. No NOI is required for Aqua to provide retail water utility service within the Property.

13. The requirements in 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 owes no compensation to GCWDA as a condition to provide retail sewer utility service to the public within the Property under TWC § 13.254 and 16 TAC § 24.113.

2. Aqua may provide retail sewer utility service to the public within the Property as permitted by other applicable legal requirements not specified in TWC § 13.254 or 16 TAC § 24.113.

3. All other motions, requests for entry of specific findings of fact or conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

SIGNED AT AUSTIN, TEXAS on the day of _____, 2016

PUBLIC UTILITY COMMISSION OF TEXAS
ADMINISTRATIVE LAW JUDGE