



Control Number: 46380



Item Number: 7

Addendum StartPage: 0

Donna L. Nelson
Chairman

Kenneth W. Anderson, Jr.
Commissioner

Brandy Marty Marquez
Commissioner

Brian H. Lloyd
Executive Director



Greg Abbott
Governor

RECEIVED

2016 NOV -9 PM 1:05

PUBLIC UTILITY COMMISSION
FILING CLERK

Public Utility Commission of Texas

TO: Donna L. Nelson, Chairman
Kenneth W. Anderson, Jr., Commissioner
Brandy Marty Marquez, Commissioner

All Parties of Record

FROM: Irene Montelongo
Director, Docket Management

RE: **Open Meeting of December 1, 2016**
Docket No. 46380 – *Aqua Texas, Inc.'s Notice of Intent to Provide Sewer Service to the Area Decertified from Gulf Coast Waste Disposal Authority in Chambers County*

DATE: November 9, 2016

Enclosed is a copy of the Proposed Order in the above-referenced docket. The Commission will consider this docket at an open meeting presently scheduled to begin at 9:30 a.m. on Thursday, December 1, 2016, at the Commission's offices, 1701 North Congress Avenue, Austin, Texas. The parties shall file corrections or exceptions to the Proposed Order on or before Monday, November 21, 2016.

If there are no corrections or exceptions, no response is necessary.

q:\cadm\doCKET management\water\compensation\46380pomemo.docx

DOCKET NO. 46380

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

§
§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

PROPOSED ORDER

This Order addresses Aqua Texas, Inc.'s notice of intent application to provide sewer service to an area decertified from Gulf Coast Waste Disposal Authority's certificate of convenience and necessity in Chambers County. Gulf Coast gave consent for Aqua to seek approval to serve the decertified area. The application is approved.

The Commission adopts the following findings of fact and conclusions of law:

I. Findings of Fact

1. On February 2, 2016, 92.247 acres of property was decertified from Gulf Coast's sewer certificate number 20465 in Docket No. 45337.¹
2. On September 19, 2016, Aqua filed an application to provide retail sewer utility service to the decertified property.
3. The application included the affidavit of Ricky Clifton, General Manager of Gulf Coast.² Mr. Clifton attests to the following:
 - a. Gulf Coast is the decertified sewer certificate holder for the property;
 - b. Gulf Coast 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 Gulf Coast and no appraisal is needed to determine just compensation owed to Gulf

¹ *Petition by LGI Homes-Texas, L.L.C. to Amend Gulf Coast Waste Disposal Authority's Certificate Of Convenience And Necessity in Chambers County by Expedited Release, Docket No. 45337, Notice of Approval (Feb. 2, 2016).*

² Application at Exhibit A.

Coast in order for Aqua to provide retail sewer utility service to the decertified property described in the application;

- c. Gulf Coast has no wastewater treatment or collection facilities to provide sewer service in the immediate area of the property and Gulf Coast has made no plans to install same; and
 - d. Gulf Coast does not possess a water certificate covering property within its sewer service area.
4. On September 23, 2016, the Commission issued Order No. 1, providing notice of the application and requiring Aqua and Gulf Coast to file a list of items for admission into evidence and a joint proposed order.
 5. Notice of Aqua's intent to serve in a decertified area was published in the *Texas Register* on October 7, 2016.
 6. On October 11, 2016, the Commission issued Order No. 2, admitting evidence into the record of this proceeding.

II. Conclusions of Law

1. Aqua and Gulf Coast are retail public utilities as defined in § 13.002(19) of Texas Water Code (TWC).³
2. The Commission has jurisdiction over this proceeding under TWC §§ 13.041 and 13.254.
3. Proper notice of Aqua's intent to serve the decertified property was provided as required by TWC § 13.254 and 16 Texas Administrative Code § 24.113 (TAC).
4. Aqua has met the substantive criteria for being able to provide retail sewer service to the decertified property as set forth in TWC § 13.254.
5. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

³ Tex. Water Code Ann. § 13.002(19) (West 2008 and Supp. 2016).

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The application is approved.
2. Aqua may provide retail sewer utility service to the public within the decertified property.
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 the _____ day of December 2016.

PUBLIC UTILITY COMMISSION OF TEXAS

DONNA L. NELSON, CHAIRMAN

KENNETH W. ANDERSON, JR., COMMISSIONER

BRANDY MARTY MARQUEZ, COMMISSIONER