



Control Number: 47811



Item Number: 9

Addendum StartPage: 0

**DOCKET NO. 47811**

**PETITION OF BCDE, LTD. TO §  
AMEND AQUA TEXAS, INC.'S §  
CERTIFICATES OF CONVENIENCE §  
AND NECESSITY IN HARRIS §  
COUNTY BY EXPEDITED RELEASE §**

**PUBLIC UTILITY COMMISSION**

**OF TEXAS**

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PUBLIC UTILITY COMMISSION  
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**NOTICE OF APPROVAL**

This Notice addresses the petition of BCDE, Ltd. for expedited release from Aqua Texas, Inc.'s water certificate of convenience and necessity (CCN) No. 13203 and sewer CCN No. 21065 in Harris County. Commission Staff recommended approval of the petition, as supplemented. The petition, as supplemented, is approved.

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

**I. Findings of Fact**

**Procedural History, Description, and Background**

1. On November 29, 2017, BCDE filed a petition for expedited release of a 64-acre tract of land in Harris County from Aqua Texas' water CCN No. 13203 and sewer CCN No. 20165. The petition included the affidavit of Douglas J. Eibsen, in which he affirmed (a) ownership of the 64-acre tract of land, (b) that Aqua Texas does not provide retail water or sewer service to the 64-acre tract of land, and (c) that the 64-acre tract of land is located in Harris County.<sup>1</sup>
2. On December 4, 2017, Order No. 1 was issued requiring comments on administrative completeness of the petition and notice, other procedural matters, and establishing a procedural schedule.
3. On December 28, 2017, BCDE supplemented the petition in order to correct the requested acreage for expedited release to a 65-acre tract of land supported by the deed that corresponds with the digital data originally filed.
4. On December 29, 2017, Commission Staff recommended that the petition and notice be deemed administratively complete.

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<sup>1</sup> Petition by BCDE, Ltd. for Expedited Release Pursuant to Texas Water Code Section 13.254(a-5) at Exhibit A (Nov. 29, 2017).

5. On January 10, 2018, Order No. 2 was issued finding the petition administratively complete, notice sufficient, and establishing a procedural schedule.
6. On January 24, 2018, Commission Staff recommended (a) approval of the petition, as supplemented, (b) that no property would be rendered useless or valueless by the decertification, and (c) that no compensation proceeding is necessary. Commission Staff also provided an amended certificate and service area map.
7. The map and certificate referenced in Finding of Fact No. 6 are attached to this Notice.
8. No motions to intervene or requests for hearing were filed in this proceeding.

### **Notice**

9. Notice of the petition was published in the *Texas Register* on December 15, 2017.

### **Project Description**

10. BCDE owns the 65-acre tract of land.
11. The 65-acre tract of land is located within Aqua Texas' certificated water and sewer service areas.
12. The 65-acre tract of land is located in a qualifying county and is not receiving water or sewer service.

### **Water and Sewer Service**

13. The 65-acre tract of land is not receiving water and sewer service from Aqua Texas as that term has been defined by the Courts.
14. The 65-acre tract of land is not receiving actual water and sewer service from Aqua Texas.

### **Useless or Valueless**

15. Aqua Texas has no property that is rendered useless or valueless by the decertification.

## **II. Conclusions of Law**

1. The Commission has jurisdiction over this petition under Texas Water Code §§ 13.041 and 13.254(a-5).<sup>2</sup>

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<sup>2</sup> Tex. Water Code Ann. §§ 13.041 and 13.254(a-5) (West 2008 & and Supp. 2017) (TWC).

2. Notice of the petition was provided in compliance with 16 Texas Administrative Code (TAC) § 24.113(l)(3)(A)(vi) and 16 TAC §§ 22.54-.55.
3. Harris County is a qualifying county under TWC § 13.254(a-5) and 16 TAC § 24.113(l)(2)(D).
4. The 65-acre tract of land is not receiving water service from Aqua Texas under TWC § 13.254(a-5).
5. The 65-acre tract of land is not receiving sewer service from Aqua Texas under TWC § 13.254 (a-5).
6. The area that is removed from the certificated area under TWC § 13.254(a-5) is at least 25 acres.
7. No property of Aqua Texas has been rendered useless or valueless by the decertification, therefore, under TWC § 13.254(d)-(g) no compensation is owed to Aqua Texas.
8. Because no compensation is owed, under TWC § 13.254(d)-(g), a retail public utility may render retail water or sewer service directly or indirectly to the public in the decertified area without providing compensation to Aqua Texas.
9. BCDE is entitled to approval of the petition, having sufficiently satisfied the requirements of TWC § 13.254(a-5) and 16 TAC § 24.113(l) by adequately demonstrating ownership of a tract of land that is at least 25 acres, is located in a qualifying county, and is not receiving water service.
10. BCDE is entitled to approval of the petition, having sufficiently satisfied the requirements of TWC § 13.254(a-5) and 16 TAC § 24.113(l) by adequately demonstrating ownership of a tract of land that is at least 25 acres, is located in a qualifying county, and is not receiving sewer service.
11. Under TWC § 13.257(r) and (s), Aqua Texas is required to record a certified copy of the approved certificates and map, along with a boundary description of the service area, in the real property records of each county in which the service area or a portion of the service area is located, and submit to the Commission evidence of the recording.

### III. Ordering Paragraphs

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

1. The petition, as supplemented, is approved.
2. BCDE's 65-acre tract of land is removed from Aqua Texas' water CCN No. 13203 and sewer CCN No. 21065.
3. Aqua Texas' water CCN No. 13203 and sewer CCN No. 21065 are amended in accordance with this Notice.
4. A copy of Aqua Texas' amended CCN No. 13203 and sewer CCN No. 21065 are attached to this Notice.
5. The Commission's official service area boundary maps for Aqua Texas shall reflect the changes, as shown in the attached maps.
6. Aqua Texas shall comply with the recording requirements of TWC § 13.257(r) and (s) for the area in Harris County affected by the petition and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
7. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the 30TH day of January 2018.

PUBLIC UTILITY COMMISSION OF TEXAS

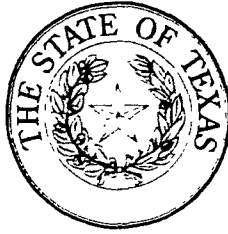


GABRIEL P. SOTO

ADMINISTRATIVE LAW JUDGE

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# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

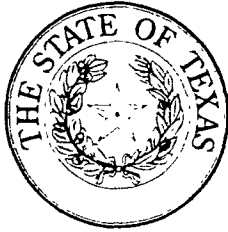
**Aqua Texas, Inc.**

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Aqua Texas, Inc., is entitled to this

## **Certificate of Convenience and Necessity No. 13203**

to provide continuous and adequate water utility service to that service area or those service areas in Brazoria, Chambers, Fort Bend, Grimes, Harris, Jefferson, Liberty, Montgomery, Polk, San Jacinto, Trinity, and Wharton Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47811 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Aqua Texas, Inc., to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, the 30TH day of JANUARY 2018.



# Public Utility Commission of Texas

By These Presents Be It Known To All That

## Aqua Texas Inc.

having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Aqua Texas Inc., is entitled to this

### Certificate of Convenience and Necessity No. 21065

to provide continuous and adequate sewer utility service to that service area or those service areas in Brazoria, Chambers, Fort Bend, Harris, Jefferson, Montgomery, Polk, and Trinity Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47811 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty Aqua Texas Inc. to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.



Issued at Austin, Texas, the 30TH day of JANUARY 2018.



Aqua Texas, Inc.  
 Portion of Water CCN No. 13203  
 PUC Docket No. 47811  
 Petition by BCDE, Ltd. to Amend  
 Aqua Texas, Inc.'s CCN by Expedited Release in Harris County



Public Utility Commission of Texas  
 1701 N. Congress Ave  
 Austin, TX 78701

**Water CCN**

-  13203 - Aqua Texas Inc
-  13257 - City of Tomball

-  Area Released
-  Property Boundary

0 250 500  
 Feet



Map by: Komal Patel  
 Date created: January 23, 2018  
 Project Path: n:\finalmapping\47811AquaTexasWater.mxd







Aqua Texas, Inc.  
 Portion of Sewer CCN No. 21065  
 PUC Docket No. 48711  
 Petition by BCDE, Ltd. to Amend  
 Aqua Texas, Inc.'s CCN by Expedited Release in Harris County



Public Utility Commission of Texas  
 1701 N. Congress Ave  
 Austin, TX 78701

**Sewer CCN**

-  21065 - Aqua Texas Inc
-  21103 - City of Tomball

-  Area Released
-  Property Boundary

0 250 500  
 Feet



Map by: Komal Patel  
 Date created: January 23, 2018  
 Project Path: n:\finalmapping\47811AquaTexasSewer.mxd

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