



Control Number: 47917



Item Number: 11

Addendum StartPage: 0

DOCKET NO. 47917

**PETITION OF PRIMEWOOD
INVESTMENTS, LP TO AMEND AQUA
TEXAS, INC.'S CERTIFICATES OF
CONVENIENCE AND NECESSITY IN
MONTGOMERY COUNTY BY
EXPEDITED RELEASE**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

NOTICE OF APPROVAL

This Notice addresses the petition of Primewood Investments, LP (Primewood) for expedited release of approximately 12.76 acres of land within Aqua Texas Inc.'s water certificate of convenience and necessity (CCN) No.13203 and the release of 18.38 acres of land within Aqua Texas Inc.'s sewer CCN No. 21065 in Montgomery 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 January 2, 2018, Primewood filed a petition for expedited release of approximately 12.76 acres of land within Aqua Texas' certificate of convenience and necessity (CCN) No.13203 and the release of 18.38 acres of land within Aqua Texas CCN No. 21065 in Montgomery County.
2. On January 11, 2018, Order No. 1 was issued requiring comments on the administrative completeness of the petition and notice, and establishing a procedural schedule.
3. On February 1, 2018, Commission Staff recommended that the petition and notice be deemed administratively complete.
4. On February 5, 2018, Order No. 2 was issued finding the petition administratively complete, notice sufficient, and establishing a procedural schedule.
5. On February 16, 2018, Commission Staff recommended (a) approval of the petition, (b) the commission find that no property would be rendered useless or valueless by

decertification, and (c) that no compensation proceeding is necessary. Commission Staff also provided an amended certificate and service area map.

6. The map and certificates referenced in Finding of Fact No. 5 are attached to this Notice.
7. On February 20, 2018, Primewood supplemented the petition with the correct affidavit of Dominic Leung, which was inadvertently filed in another Primewood case filed the same day.
8. No motion to intervene or request for hearing were filed in this proceeding.

Notice

9. Notice of the petition was published in the *Texas Register* on January 26, 2018.

Project Description

10. Primewood owns the 1,295 acre area tract of land in Montgomery County.
11. The 12.76 acres of land is located within Aqua Texas' water CCN No. 13203 service area.
12. The 18.38 acres of land is located within Aqua Texas' sewer CCN No. 21065 service area.
13. The two parcels of land are located in a qualifying county and are not receiving water or sewer service.

Water and Sewer Service

14. The two parcels of land are not receiving water and sewer service from Aqua Texas as that term has been defined by the Courts.

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 Code¹ §§ 13.041 and 13.254(a-5).

¹ 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. Montgomery County is a qualifying county under TWC § 13.254(a-5) and 16 TAC § 24.113(l)(2)(D).
4. The two parcels of land are not receiving water service and sewer service from Aqua Texas under TWC § 13.254(a-5).
5. The areas that are removed from the certificated area under TWC § 13.254(a-5) is at least 25 acres.
6. 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.
7. 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.
8. Primewood is entitled to approval of the petition, having sufficiently satisfied the requirements of TWC § 13.254(a-5) and 16 TAC § 24.113 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 and sewer service from Aqua Texas.
9. 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

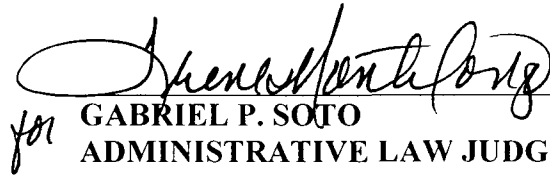
In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The petition, as supplemented, is approved.
2. Primewood's 12.76 parcel of land is released from Aqua Texas' CCN No. 13203.
3. Primewood's 18.38 parcel of land is released from Aqua Texas' CCN No. 21065.

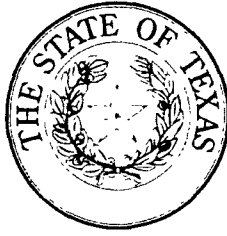
4. CCN Nos. 13203 and 21065 are amended in accordance with this Notice.
5. The Commission's official service area boundary maps for Aqua Texas shall reflect this change as shown in the attached maps.
6. Aqua Texas shall comply with the recording requirements of TWC § 13.257(r) and (s) for the area in Montgomery 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 12th day of March 2018.

PUBLIC UTILITY COMMISSION OF TEXAS


for **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.

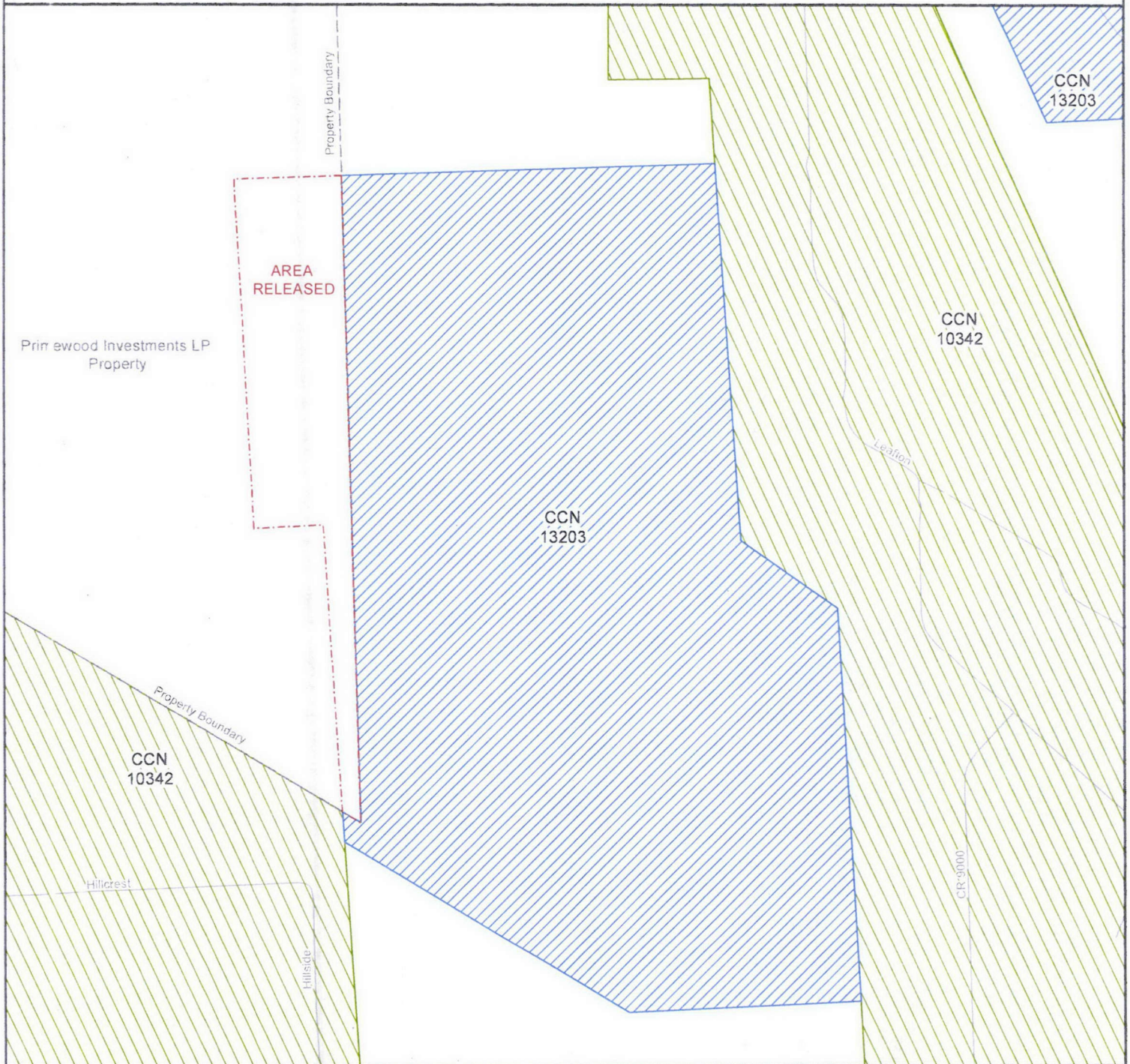
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Aqua Texas, Inc., is entitled to this

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. 47917 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 12th day of March 2018.

Aqua Texas, Inc.
 Portion of Water CCN No. 13203
 PUC Docket No. 47917
 Petition by Primewood Investments, LP to
 Amend Aqua Texas Inc's CCN by Expedited Release in Montgomery County



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

Water CCN

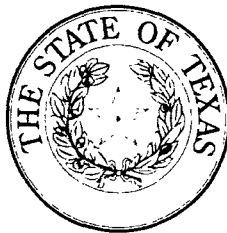
-  13203 - Aqua Texas Inc
-  10342 - H-M-W SUD

-  Area Released
-  Property Boundary

0 250 500
 Feet



Map by: Komal Patel
 Date created: February 15, 2018
 Project Path: n:\finalmapping\47917AquaTexasWater.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That

Aqua Texas, Inc.

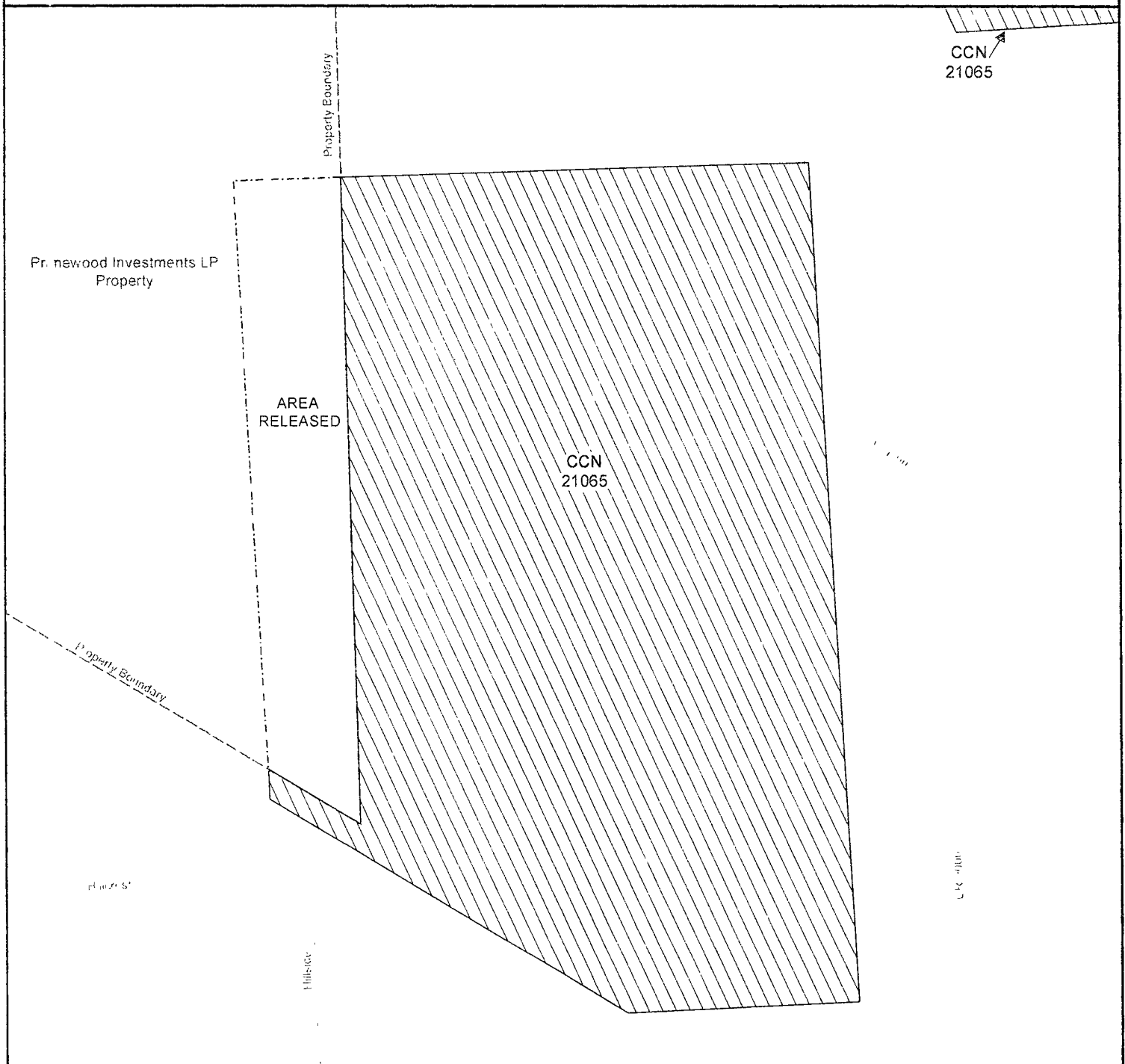
having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Aqua Texas Inc., is entitled to this

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. 47917 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 12th day of March 2018.

Aqua Texas, Inc.
 Portion of Sewer CCN No. 21065
 PUC Docket No. 47917
 Petition by Primewood Investments, LP to
 Amend Aqua Texas Inc's CCN by Expedited Release in Montgomery County



Sewer CCN



21065 - Aqua Texas Inc



Area Released



Property Boundary

0 250 500
Feet



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

Map by Komal Patel
 Date created February 15, 2018
 Project Path: n:\finalmapping\47917AquaTexasSewer.mxd