



Control Number: 47938



Item Number: 5

Addendum StartPage: 0

DOCKET NO. 47938

PETITION BY TERRA	§	PUBLIC UTILITY COMMISSION
INVESTMENTS, LP TO AMEND	§	
AQUA TEXAS, INC.'S WATER	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN MONTGOMERY	§	
COUNTY BY EXPEDITED RELEASE	§	

**COMMISSION STAFF'S RECOMMENDATION
ON ADMINISTRATIVE COMPLETENESS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 1, files this Recommendation on Administrative Completeness. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On February 19, 2018, Terra Investments, LP (Terra) filed a petition for an expedited release from Aqua Texas, Inc.'s (Aqua Texas) Water Certificate of Convenience and Necessity (CCN) No. 13203, in Montgomery County. Specifically, Petitioner requested for expedited release is approximately 3.28 acres.

On January 9, 2018, Order No. 1 was issued, establishing a deadline of February 9, 2018, for Staff to file a recommendation on the administrative completeness of the application. This pleading is therefore timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Gregory Charles in the Commission's Water Utility Regulation Division, Staff has reviewed the application filed by Applicants, and recommends that it be found administratively complete.

III. NOTICE SUFFICIENCY

Terra asserts in its petition that it provided notice to the CCN holder, Aqua Texas, by certified mail on January 10, 2018. As previously noted, the Commission also published notice of this petition in the *Texas Register* on February 2, 2018. Such notice meets the requirement of 16

Tex. Admin. Code (TAC) § 24.113(s). Accordingly, Staff recommends that the notice issued be found sufficient.

IV. PROPOSED PROCEDURAL SCHEDULE

Event	Date
Order regarding completeness of petition	February 16, 2018
Deadline for Aqua Texas and/or intervenors to file a response to the administratively complete petition	February 23, 2018
Staff's recommendation on final disposition	March 2, 2018
Deadline for Terra to respond to respond to Staff's recommendation on final disposition	March 9, 2018

V. CONCLUSION

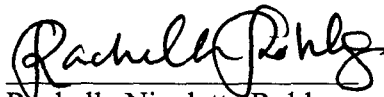
For the reasons detailed above, Staff recommends that the application be found administratively complete and that the proposed procedural schedule be adopted.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

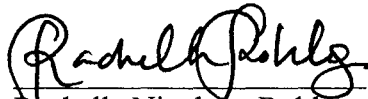


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DOCKET NO. 47938

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 9, 2018, in accordance with 16 TAC § 22.74.


Rachelle Nicolette Robles

PUC Interoffice Memorandum

To: Rachelle Robles, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Greg Charles, Engineer
Water Utility Regulation Division

Date: February 7, 2018

Subject: **Docket No. 47938** - *Petition by Terra Investments, LP to Amend Aqua Texas, Inc.'s Water Certificate of Convenience and Necessity by Expedited Release in Montgomery County*

On January 10, 2018, Terra Investments, LP (Petitioner) filed a petition with the Commission for expedited release from Aqua Texas, Inc.'s water Certificate of Convenience and Necessity (CCN) No.13203 in Montgomery County, under Texas Water Code Chapter § 13.254(a-5) (TWC) and 16 Texas Administrative Code § 24.113(l) (TAC). The Petitioner asserts that the land is at least 25 acres, is not receiving water service, and is located in Montgomery County which is a qualifying county.

The Petitioner submitted adequate maps delineating the requested area for expedited release with enough detail to confirm the accurate positioning of their digital data pursuant to 16 TAC § 24.119. The map and digital data are sufficient for determining the location of the requested release areas within Aqua Texas, Inc.'s certificated area. Mapping Staff was able to confirm the acreage of the subject properties, and determined that the requested areas are located within the subject property. Furthermore, the Petitioner provided a warranty deed confirming the Petitioners' ownership of the tracts of land within the subject property.

The Petitioner submitted a sworn affidavit attesting that the petition is being filed in accordance with 16 TAC § 24.113(l)(3)(A), as well as proof that a copy of the Petition was sent via certified mail to Aqua Texas, Inc.

The petition meets the criteria set forth in TWC § 13.254 (a-5) and 16 TAC §24.113(l). Therefore, Staff recommends that the petition be deemed administratively complete and sufficient for filing.