



Control Number: 47939



Item Number: 7

Addendum StartPage: 0

RECEIVED

2018 MAR -2 AM 9:11

<p><b>PETITION BY TERRA INVESTMENTS, LP TO AMEND AQUA TEXAS, INC.'S SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY IN MONTGOMERY COUNTY BY EXPEDITED RELEASE</b></p>	<p>§ § § § § § §</p>	<p><b>PUBLIC UTILITY COMMISSION</b> PUBLIC UTILITY COMMISSION <b>OF TEXAS</b></p>
--	--	---

### COMMISSION STAFF'S FINAL RECOMMENDATION

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Final Recommendation in response to Order No. 2. In support thereof, Staff would show the following:

#### I. BACKGROUND

On January 10, 2018, Terra Investments, LP (Terra) filed a petition for an expedited release from Aqua Texas, Inc.'s (Aqua Texas) Sewer Certificate of Convenience and Necessity (CCN) No. 21065, in Montgomery County. Specifically, Petitioner requested for expedited release is approximately 20.38 acres.

On February 16, 2018, the Administrative Law Judge (ALJ) issued Order No. 2, requiring Staff to file a recommendation on final disposition by March 2, 2018. Therefore, this pleading is timely filed.

#### II. STATUTORY APPROVAL DEADLINE

Pursuant to TWC § 13.254(a-5) and 16 TAC § 24.113(l), the Commission must render a decision on a petition for expedited release "not later than the 60th day after the date the landowner files the petition." A petition is not considered filed until it is deemed administratively complete. Terra's petition was deemed administratively complete in Order No. 2, issued on February 16, 2018; therefore, the 60 day deadline for administrative approval is April 17, 2018.

#### III. FINAL RECOMMENDATION

Staff has reviewed Terra's petition and, as supported by the attached memorandum of Gregory Charles of the Water Utilities Division (Attachment A), Staff recommends that the petition be approved. The maps and digital data submitted by Terra provide adequate information

7

to demonstrate that Terra satisfies the requirements of TWC § 13.254(a-5) and 16 TAC § 24.113(l). Specifically, the petition shows that the property for which Terra seeks expedited release is located in a qualifying county (Montgomery County), is not receiving sewer service, and that the aggregated, contiguous tracts of land make up a single property that is at least 25 acres. Terra has shown through its petition that it meets the requirements for expedited release. Therefore, Staff recommends that the petition be approved.

The final map (Attachment B) and CCN Certificate (Attachment C) are attached to this filing.

#### **IV. CONCLUSION**

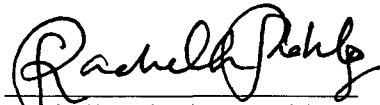
For the reasons stated above, Staff respectfully recommends that Terra's petition be approved.

**Dated: March 2, 2018**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Stephen Mack  
Managing Attorney  
Legal Division




Rachelle Nicolette Robles  
State Bar No. 24060508  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7255  
(512) 936-7268 (facsimile)  
[rachelle.robles@puc.texas.gov](mailto:rachelle.robles@puc.texas.gov)

**DOCKET NO. 47939**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the March 2, 2018 in accordance with 16 TAC § 22.74.



Rachelle Nicolette Robles

## **Attachment A**

## PUC Interoffice Memorandum

---

**To:** Rachelle Robles, Attorney  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**From** Greg Charles, Staff Engineer  
Water Utility Regulation Division

**Date:** March 2, 2018

**Subject:** **Docket No. 47939:** *Petition by Terra Investments, LP to Amend Aqua Texas, Inc.'s Sewer 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 sewer Certificate of Convenience and Necessity (CCN) No.21065 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 sewer 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.

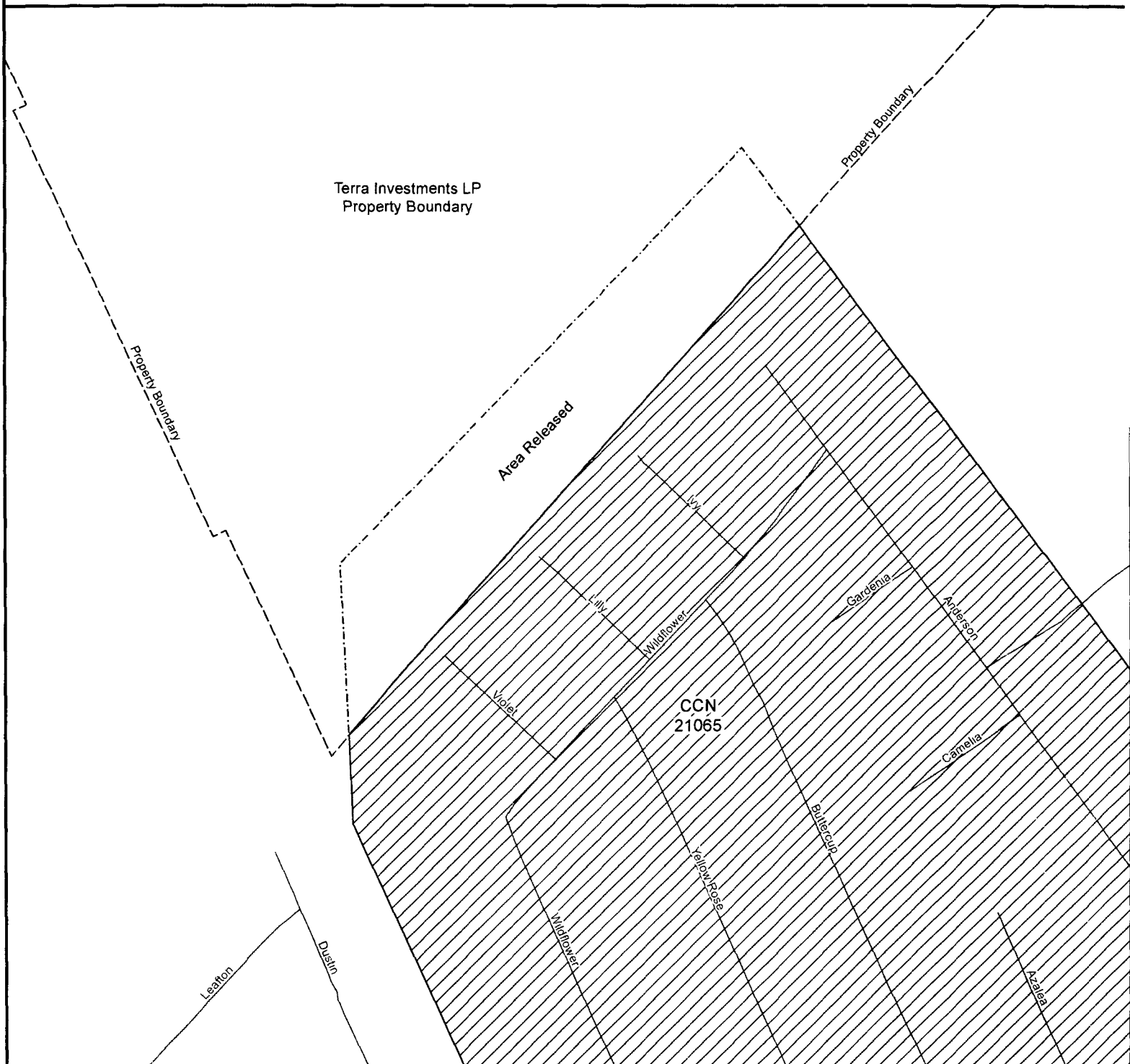
The Petitioner submitted a sworn affidavit attesting that the petition is being filed in accordance with 16 TAC § 24.113(l)(3)(A), as well as proof that a copy of the Petition was sent via certified mail to Aqua Texas, Inc., the current holder of CCN No. 21065.

Staff recommends that there is no useless or valueless property, in accordance with 16 TAC § 24.113(n)(3). Staff further recommends that a compensation proceeding is not necessary, if the Commission determines that there is no useless or valueless property, pursuant to 16 TAC § 24.113(n)(7). Aqua Texas, Inc. did not request to intervene.


On February 16, 2018, Order No. 2 deemed the petition administratively complete, starting the 60 day period which, therefore ends April 17, 2018. The procedural schedule required Staff's final disposition to be filed on March 2, 2018, and set March 9, 2018, as the deadline for the Petitioner's response. In accordance with the TWC § 13.254(a-5) and 16 TAC § 24.113(l), the Petitioner has met the Commission's requirements to allow for the streamlined expedited release of the requested area from the Aqua Texas's CCN No. 21065. Therefore, Staff recommends approval of the petition. Enclosed is a final map and certificate for Commission approval.

## **Attachment B**

Aqua Texas, Inc.  
Portion of Sewer CCN No. 21065  
PUC Docket No. 47939  
Petition by Terra Investments, LP to  
Amend Aqua Texas, Inc.'s CCN by Expedited Release in Montgomery County



**Sewer CCN**

 21065 - Aqua Texas Inc

 Area Released

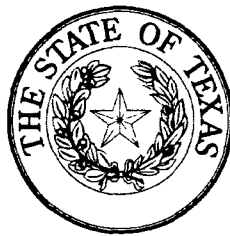
 Property Boundary

0 250 500  
Feet





## **Attachment C**



# **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 by 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 Montgomery County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47939 are on file at the Commission offices in Austin, Texas; and is 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 \_\_\_\_\_ day of \_\_\_\_\_ 2018.