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DOCKET NO. 48020

**APPLICATION OF CITY OF FORT
WORTH AND AQUA TEXAS INC.
FOR APPROVAL OF SERVICE
AREA CONTRACT UNDER TEXAS
WATER CODE § 13.248 AND TO
AMEND CERTIFICATES OF
CONVENIENCE AND NECESSITY
IN DENTON AND WISE COUNTIES**

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PUBLIC UTILITY COMMISSION
PH 2: 29
OF TEXAS

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND PROPOSED NOTICE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 3, files this Supplemental Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On February 5, 2018, the City of Fort Worth (Fort Worth) and Aqua Texas, Inc. (Aqua Texas) (collectively, Applicants), filed an application for approval of a service area contract under Tex. Water Code (TWC) § 13.248 amending water Certificates of Convenience and Necessity (CCNs) No. 12311 and No. 13201 in Denton and Wise Counties. The Applicants entered into a contractual agreement permitting Fort Worth, under CCN No. 12311, to provide water services to the subject area. The area being transferred from Aqua Texas, under CCN No. 13201, is in Fort Worth's extraterritorial jurisdiction and has no current customers or facilities that will be transferred to Fort Worth.

On March 8, 2018, the Commission administrative law judge (ALJ) issued Order No. 2, finding the application deficient and requiring Applicants to file a supplement to cure the deficiencies by April 6, 2018. Thereafter, on April 9, 2018, Fort Worth filed a request to extend the time to complete and cure its application.

On April 13, 2018, Order No. 3 was issued, granting Fort Worth's request for an extension and establishing a deadline of May 21, 2018, for Applicants to amend the application and cure its

deficiencies. On April 30, 2018, Fort Worth filed supplemental information regarding the application.

Order No. 3 also established a deadline of June 11, 2018, for Staff to file a supplemental recommendation on the amended application, proposed notice, and propose a procedural schedule for further processing of the application. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS AND PROPOSED NOTICE

As detailed in the attached memorandum from Andrew Novak in the Commission's Water Utility Regulation Division, Staff has reviewed the application filed by Applicants, and recommends that it be found administratively complete. The Commission published notice of the application in the *Texas Register* on March 2, 2018. Staff further recommends that no additional notice is required because there are no customers currently located in the area proposed for transfer.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Deadline for intervention	July 2, 2018
Deadline for Commission Staff to provide final maps, certificates, and tariffs (if applicable), to Applicants for review and consent	August 31, 2018
Deadline for Applicants to file consent forms with the Commission	September 14, 2018
If no hearing is requested, deadline for Staff to file a final recommendation on the application	September 21, 2018
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	September 28, 2018

IV. CONCLUSION

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

Dated: June 1, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney



Richard Nemer
State Bar No. 24042829
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7348
(512) 936-7268 (facsimile)
richard.nemer@puc.texas.gov

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on June 1, 2018,
in accordance with 16 TAC § 22.74.



Richard Nemer

PUC Interoffice Memorandum

To: Richard Nemer, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utilities Regulation Division

From: Andrew Novak, Financial Analyst
Water Utilities Regulation Division

Date: June 1, 2018

Subject: **Docket No. 48020**, *Application of the City of Fort Worth and Aqua Texas Inc. for Approval of Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Denton and Wise Counties*

On February 5, 2018, the City of Fort Worth (Fort Worth) and Aqua Texas, Inc. (Aqua Texas) (collectively, Applicants) filed an application with the Public Utility Commission of Texas (Commission) for approval of a service area contract under Tex. Water Code (TWC) §13.248, to amend Certificates of Convenience and Necessity (CCN) Nos. 12311 (Fort Worth) and 13201 (Aqua Texas) in in Denton and Wise Counties.

The Applicants have agreed to transfer approximately 1,827 total acres of Aqua Texas' water certificated service area to Fort Worth.

On April 30, 2018, Fort Worth submitted additional mapping information and an amendment to Applicants' agreement in response to Commission Order No. 2. Staff has reviewed the information and recommends the application be deemed administratively complete and sufficient for filing.

For this application, notice is not required because there are no affected customers in the area subject to the transfer.