

Control Number: 48200



Item Number: 16

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**PUC DOCKET NO. 48200**

2018 SEP 21 AM 11:53

**APPLICATION OF AQUA TEXAS, INC. §  
TO AMEND A SEWER CERTIFICATE §  
OF CONVENIENCE AND NECESSITY §  
IN FORT BEND COUNTY §**

**BEFORE THE PUBLIC UTILITY  
COMMISSION OF TEXAS**

**JOINT PROPOSED NOTICE OF APPROVAL AND MOTION TO ADMIT EVIDENCE**

COME NOW Staff of the Public Utility Commission of Texas (Staff), representing the public interest, together with Aqua Texas, Inc. (Aqua or Applicant) (collectively, Parties), and file this Joint Proposed Notice of Approval and Motion to Admit Evidence. In support thereof, the Parties show the following:

**I. BACKGROUND**

On March 23, 2018, Aqua Texas, Inc. filed with the Commission an application to amend its sewer certificate of convenience of necessity (CCN) No. 21065 in Fort Bend County, Texas, pursuant to Texas Water Code Ann. §§ 13.242-.250 (TWC) and 16 Texas Administrative Code §§ 24.101-.107 (TAC) (Application). On April 25, 2018, the Application was deemed sufficient for filing. The Applicant provided affidavits of notice on May 23, 2018. On September 10, 2018, Staff recommended approval of the Application. Order No. 5, issued on September 12, 2018, gave the Parties until September 21, 2018, to file proposed findings of fact, conclusions of law, and ordering paragraphs. Accordingly, this pleading is timely filed.

**II. JOINT MOTION TO ADMIT EVIDENCE**

The Parties move to admit the following evidence into the record of this proceeding: (a) Aqua's March 23, 2018 Application (Item No. 1, filed March 23, 2018); (b) a publisher's affidavit dated May 15, 2018 (Item No. 8, filed May 23, 2018) and an affidavit of notice to neighboring systems, landowners and cities dated May 23, 2018 (Item No. 8, filed May 23, 2018); (c) Staff's Recommendation on Sufficiency of Notice (Item No. 9, filed on June 11, 2018); (d) Aqua's Consent Form (Item No. 13, filed September 7, 2018); and (e) Staff's recommendation regarding final disposition and attachments thereto (Item No. 14, filed September 10, 2018).

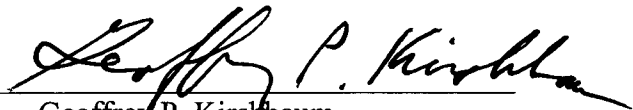
### III. PROPOSED NOTICE OF APPROVAL

The attached Joint Proposed Notice of Approval would grant Aqua's Application to amend its sewer CCN No. 21065 in Fort Bend County, Texas.

### IV. CONCLUSION

The Parties respectfully request that the Commission admit the evidence as requested and approve the attached Joint Proposed Notice of Approval.

Respectfully submitted,

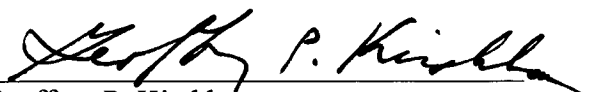
By: 

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**ATTORNEYS FOR AQUA TEXAS, INC. D/B/A AQUA  
TEXAS**

### CERTIFICATE OF SERVICE

I hereby CERTIFY that on September 21, 2018, a true and complete copy of the above was sent to all counsel of record in accordance with P.U.C. PROC. R. 22.74

  
Geoffrey P. Kirshbaum

**PUC DOCKET NO. 48200**

**APPLICATION OF AQUA TEXAS, INC. § BEFORE THE PUBLIC UTILITY  
TO AMEND A SEWER CERTIFICATE §  
OF CONVENIENCE AND NECESSITY § COMMISSION OF TEXAS  
IN FORT BEND COUNTY §**

**JOINT PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the application (Application) of Aqua Texas, Inc. d/b/a Aqua Texas (Aqua or Applicant) for approval of an amendment to its sewer certificate of convenience and necessity (CCN) No. 21065 in Fort Bend County, Texas. Through its Application, Aqua seeks to amend its sewer CCN No. 21065 pursuant to Tex. Water Code Ann. §§ 13.242-.250 (TWC) and 16 Tex. Admin. Code §§ 24.101-.107 (TAC). The total area being requested includes approximately 66 acres, 0 current customers, and no infrastructure. The Public Utility Commission of Texas (Commission) Staff recommended approval of this application. The Application is approved. The Commission adopts the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

**Procedural History**

1. On March 23, 2018, Aqua filed an Application with the Commission to amend its sewer CCN No. 21065 in Fort Bend County.
2. The total proposed service area addition requested in this Application consists of approximately 66 acres, 0 current customers, and no infrastructure.
3. On April 25, 2018, Order No. 2 was issued, deeming the Application sufficient for filing.
4. On June 12, 2018, Order No. 3 was issued, finding the notice sufficient and adopting an updated procedural schedule.
5. On September 7, 2018, Aqua submitted a signed consent form evidencing its consent to the proposed map, certificate, and revised tariff.
6. On September 10, 2018, Staff recommended that the Application be approved.
7. On September 21, 2018, the parties filed a joint proposed notice of approval and motion to admit evidence.
8. On \_\_\_\_\_, 2018, Order No. 6 was issued, admitting the following evidence into the record of this proceeding: (a) Aqua's Application; (b) a publisher's affidavit dated

May 15, 2018, and an affidavit of notice to neighboring systems, landowners and cities dated May 23, 2018; (c) Staff's Recommendation on Sufficiency of Notice; (d) Aqua's Consent Form; and (e) Staff's recommendation regarding final disposition and attachments thereto.

9. The map, certificate, and revised tariff discussed in Finding of Fact No. 5 are attached to this Notice.

### **Notice**

10. Notice of this application was published in the *Texas Register* on April 20, 2018.
11. Notice was provided by publication in the *Houston Business Journal* on May 4, 2018, and May 11, 2018.
12. A publisher's affidavit dated May 15, 2018, and signed by Lenora Black, an agent of the *Houston Business Journal*, attests to this notice.
13. Aqua mailed notice of the Application to neighboring systems, landowners, and cities and to neighboring utilities and affected parties on May 14, 2018.
14. An affidavit that these landowners and other entities received notice dated May 23, 2018 was filed with the Commission on May 23, 2018.

### **Informal Disposition**

15. More than 15 days have passed since completion of the notice provided in this docket.
16. There were no protests or hearing requests filed in response to the public notices.
17. The only parties to this proceeding are Aqua and Staff.

## **II. CONCLUSIONS OF LAW**

1. The Commission has jurisdiction and authority over this docket pursuant to the TWC §§ 13.242-.250 and 16 TAC §§ 24.101-.107.
2. Aqua is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).
3. Aqua has provided public notice of the Application in compliance with TWC § 13.246 and with 16 TAC § 24.106.
4. After considering the relevant factors in TWC § 13.246(c) and 16 TAC § 24.102(d), Aqua has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area and its current service area.

5. Aqua has demonstrated that the Application meets the requirements set forth in TWC §§ 13.242-.250 and in 16 TAC §§ 24.101-.102 to be granted an amendment to its sewer CCN.
6. Aqua demonstrated that amendment of its sewer CCN No. 21065 is necessary for the service, accommodation, convenience, or safety of the public, as required under TWC § 13.246(b) and 16 TAC § 24.102(c).
7. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

### III. ORDERING PARAGRAPHS

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

1. Aqua's Application is approved.
2. The certificate, map, and tariff for Aqua's sewer CCN No. 21065 as attached are approved.
3. Aqua's sewer CCN No. 21065 is hereby amended to reflect the addition of approximately 66 acres of service area in Fort Bend County.
4. Aqua shall serve every customer and applicant for service within the area certificated under CCN No. 21065, and such service shall be continuous and adequate.
5. Aqua shall comply with the recording requirements in TWC § 13.257(r)-(s) for the area in Fort Bend County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this notice.
6. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are denied.

**SIGNED AT AUSTIN, TEXAS on the day of \_\_\_\_\_, 2018.**

**PUBLIC UTILITY COMMISSION OF TEXAS  
ADMINISTRATIVE LAW JUDGE**