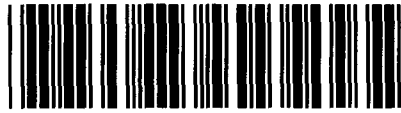




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APPLICATION OF AQUA TEXAS INC. §
TO AMEND A SEWER CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
FORT BEND COUNTY §

PUBLIC UTILITY COMMISSION
OF TEXAS

PUBLIC UTILITY COMMISSION
FILING CLERK

NOTICE OF APPROVAL

This Notice addresses the application of Aqua Texas, Inc. for an amendment to its sewer certificate of convenience and necessity (CCN) in Fort Bend County. The Commission approves the application.

I. Findings of Fact

Applicant

1. Aqua Texas is a domestic for-profit entity registered with the Texas Secretary of State on February 13, 2004 under file number 800304878.
2. Aqua Texas provides service to customers under sewer CCN number 21065.

Application

3. On March 23, 2018, Aqua Texas filed an application to amend its sewer CCN to add an area in development to be named Deer Run Meadows. The area to be added is composed of 66 acres.
4. There is currently no sewer service in the requested area, and there are no current sewer customers.
5. The requested area is located 5 miles north of downtown Rosenberg, Texas and is bounded on the north by Jones Creek, on the east by Farm to Market Road (FM) 723, on the south by FM 359, and on the west by 2500 feet west of FM 723.
6. KB Home Lone Star Inc., Fort Bend County Municipal Utility District 200, and Aqua Texas entered into a utility agreement for Aqua Texas to be the retail water and wastewater utility service provider for the residential development project.
7. There are no other sewer providers in the area.

8. Aqua Texas has a Texas Commission on Environmental Quality (TCEQ) approved wastewater discharge permit number WQ0015642001, which will allow Aqua Texas to provide adequate service.
9. Aqua Texas is capable of meeting the TCEQ's design criteria for sewer treatment plants under TCEQ rules and the Texas Water Code.
10. Sewer service from other providers for the requested area is not currently available, and it is not economically feasible for service or facilities to be provided by other nearby retail public utilities.
11. Aqua Texas has demonstrated that it has the financial ability to pay for the facilities necessary to provide continuous and adequate service.
12. Aqua Texas has demonstrated adequate financial, managerial, and technical capabilities to provide continuous and adequate service to the requested area.
13. Granting the CCN amendment will benefit the land in the requested area because of the reduced need for individual wells and septic systems.
14. In Order No. 2 issued on April 25, 2018, the administrative law judge (ALJ) deemed Aqua Texas's application administratively complete.
15. On September 7, 2018, Aqua Texas filed a form concurring with the maps, tariff, and certificate as prepared by Commission Staff.

Notice

16. Notice of the application appeared in the April 20, 2018 issue of the *Texas Register*.
17. Aqua Texas mailed notice of the application to neighboring utilities, counties, cities, landowners, and affected parties on May 14, 2018.
18. On May 4, 2018, and May 11, 2018, notice appeared in the *Houston Business Journal*, a newspaper of general circulation in Fort Bend County.
19. On May 23, 2018, Aqua Texas filed a publisher's affidavit and an affidavit of notice by Geoffrey P. Kirshbaum to neighboring utilities, landowners, and cities, attesting to the provision of notice to customers and other affected parties.
20. In Order No. 3 issued on June 12, 2018, the ALJ found the notice sufficient.

Evidentiary Record

21. On November 19, 2018, the ALJ issued Order No. 6, admitting the following evidence into the record of this proceeding: Aqua Texas, Inc.'s application and supporting documentation filed March 23, 2018; publisher's affidavit and affidavit of notice filed May 23, 2018; Commission Staff's recommendation on sufficiency of notice filed June 11, 2018; Aqua Texas's consent form filed September 7, 2018; and Commission Staff's recommendation on final disposition and supporting documentation filed on September 10, 2018.

Informal Disposition

22. More than 15 days have passed since the completion of the notice.
23. Commission Staff and Aqua Texas are the only parties to this proceeding.
22. No hearing is necessary.

II. Conclusions of Law

1. The Commission has jurisdiction over the application filed in this docket under Texas Water Code (TWC) §§ 13.041, and 13.241, 13.244, and 13.246.
2. Aqua Texas is a retail public utility as defined in TWC §13.002(19) and 16 Texas Administrative Code (TAC) §24.3(59).
3. Notice of the application complies with TWC § 13.246 and 16 TAC § 24.235. The application was processed in accordance with the TWC, the Administrative Procedure Act,¹ and Commission rules.
4. After considering the factors in TWC § 13.246(c), Aqua Texas has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area and its current service area as required by TWC §13.241(a).
5. Aqua Texas has demonstrated that it is capable of meeting the TCEQ's design criteria for sewer treatment plants.
6. Aqua Texas has demonstrated that the amendment to CCN No. 21065 is necessary for the service, accommodation, convenience, or safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.102(c).

¹ Administrative Procedure Act, Tex. Gov't Code §§ 2001.001–902.

7. Under TWC § 13.257(r) and (s), Aqua Texas is required to record a certified copy of the approved CCN 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.
8. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

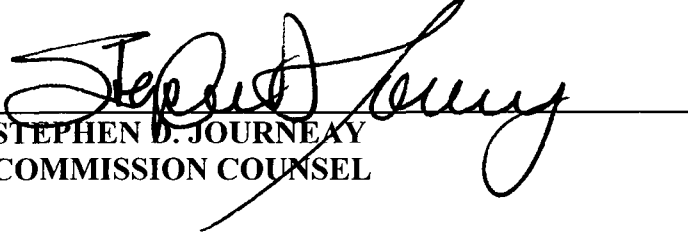
III. Ordering Paragraphs

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

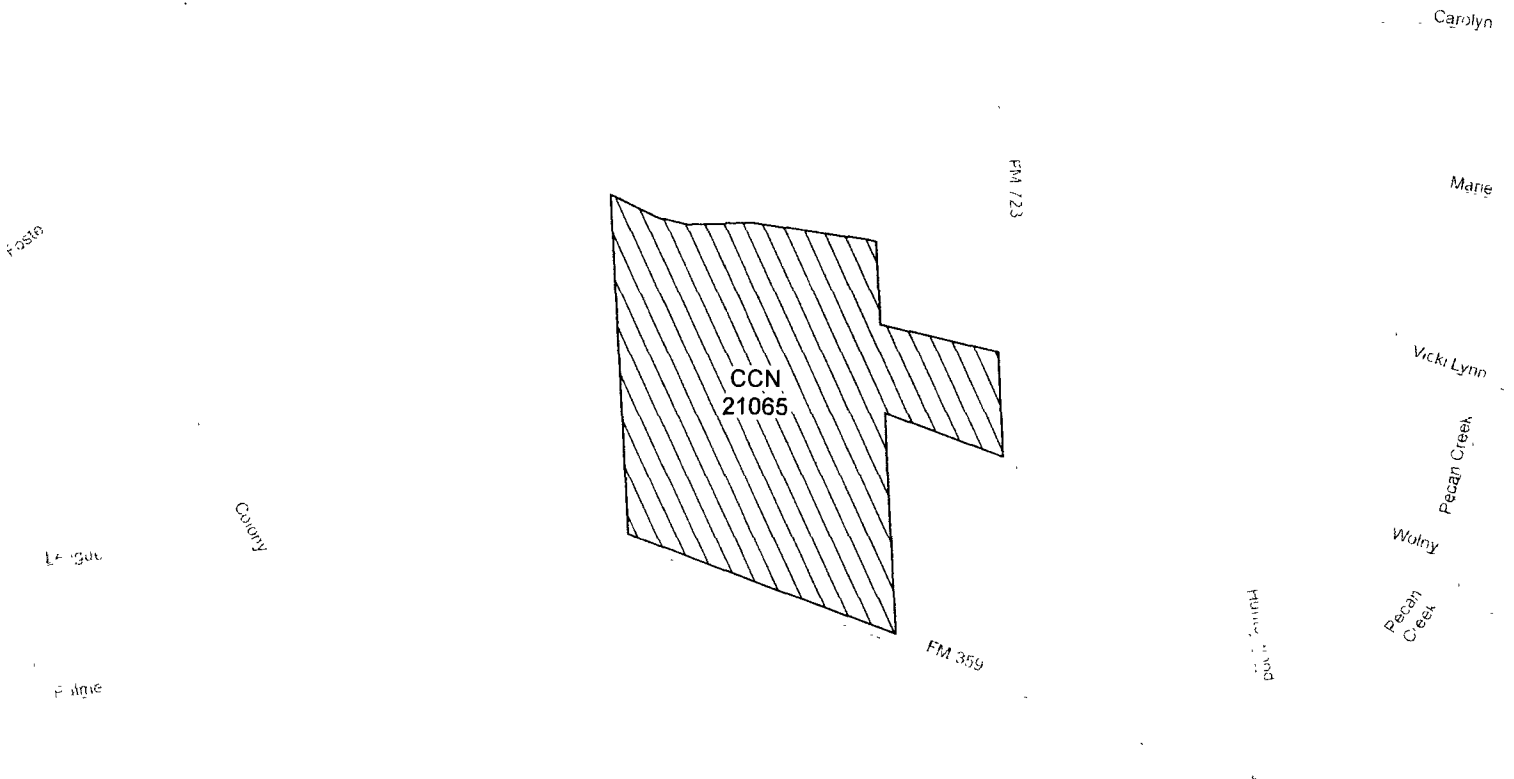
1. The Commission amends Aqua Texas's sewer CCN No. 21065.
2. The Commission approves the certificate and map attached to this Notice.
3. The Commission's official service area boundary map for Aqua Texas shall reflect the change as provided in the attached map.
4. Aqua Texas will serve every customer and applicant for service within the approved area under sewer CCN No. 21065 that requests sewer service and meets the terms of Aqua Texas's tariff to receive sewer service and such service will be continuous and adequate.
5. Aqua Texas is required to comply with the recording requirements of TWC § 13.257(r) and (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. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 23^d day of January 2019.

PUBLIC UTILITY COMMISSION OF TEXAS


STEPHEN D. JOURNEYAY
COMMISSION COUNSEL

Aqua Texas, Inc.
Portion of Sewer CCN No. 21065
PUC Docket No. 48200
Amended CCN No. 21065 in Fort Bend County



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

Sewer CCN

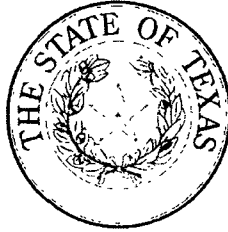


21065 - Aqua Texas Inc

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Feet



Map by: Komal Patel
Date created: August 9, 2018
Project Path: n:\finalmapping\
48200AquaTexas.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. 48200 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 23^d day of January 20189