



Control Number: 48203



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DOCKET NO. 48203

RECEIVED

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

PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

2019 JAN 23 PM 2:19

NOTICE OF APPROVAL

This Notice addresses the application of Aqua Texas, Inc. for an amendment to its certificate of convenience and necessity (CCN) in Fort Bend County. The Commission approves Aqua Texas's supplemented application, and amends its CCN to add 66 acres.

I. Findings of Fact

Applicant

1. Aqua Texas is a domestic for-profit entity registered to do business in Texas under file number 800304878.
2. Aqua Texas provides water service to customers under CCN number 13203.

Application

3. On March 23, 2018, Aqua Texas filed an application to amend its CCN to add an area in development to be named Deer Run Meadows. The area to be added is composed of a 66-acre tract of land.
4. There is currently no water service in the requested area, and there are no current customers.
5. 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.
6. Aqua Texas has a Texas Commission on Environmental Quality approved public water system number 0790423, which will allow Aqua Texas to provide adequate service with the construction of Water Plant No. 2 to serve the residential development project.
7. There are no other water providers in the area, and service from other providers for the 66-acre tract of land is not currently available.

8. Aqua Texas has the financial ability to pay for the facilities necessary to provide continuous and adequate service.
9. Aqua Texas has demonstrated adequate financial, managerial and technical capabilities to provide continuous and adequate service to the requested area.
10. The land in the requested area will benefit because of the centralized water system and the subsequent reduced need for individual wells.
11. In Order No. 2 issued on April 25, 2018, the administrative law judge (ALJ) deemed Aqua Texas's application administratively complete.
12. On August 31, 2018, Aqua Texas filed additional information to supplement its application.
13. On September 7, 2018, Aqua Texas filed a form concurring with the maps, tariff, and certificate as prepared by Commission Staff.

Notice

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

Evidentiary Record

19. On September 21, 2018, Aqua Texas and Commission Staff filed a joint proposed order and request to admit evidence.
20. In Order No. 6 issued on October 9, 2018, the ALJ admitted the following evidence into the record of this proceeding: (a) Aqua Texas's application and supporting documentation filed March 23, 2018; (b) the publisher's affidavit and the affidavit of notice filed May 23, 2018; (c) Commission Staff's recommendation on sufficiency of notice filed June 11, 2018; (d) Aqua Texas's supplement to the application and supporting documentation filed

August 31, 2018; (e) Aqua Texas's consent form filed September 7, 2018; and (f) Commission Staff's recommendation on final disposition and supporting documentation filed on September 12, 2018.

Informal Disposition

21. More than 15 days have passed since the completion of the notice provided in this docket.
22. Commission Staff and Aqua Texas are the only parties to this proceeding.
23. No party requested a hearing.
24. On September 12, 2018, Commission Staff recommended approval of the application.

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 through 13.250.
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. Public notice of the application was provided in compliance with TWC § 13.246 and 16 TAC § 24.106.
4. The application was processed in accordance with the Administrative Procedure Act,¹ the Texas Water Code and Commission rules.
5. 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).
6. The 66-acre tract of land is not receiving water service from any other utility, as that term has been defined by the courts, in accordance with TWC § 13.254.
7. Aqua Texas has demonstrated that the amendment to CCN No. 13203 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).
8. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

¹ Tex. Gov't Code §§ 2001.001–.902.

III. Ordering Paragraphs

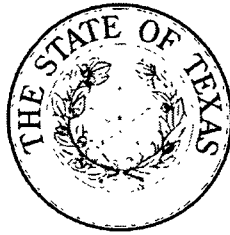
In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission amends Aqua Texas's water CCN No. 13203.
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 water CCN No. 13203 that requests water service and meets the terms of Aqua Texas's tariff to receive water 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 23rd day of January 2019.

PUBLIC UTILITY COMMISSION OF TEXAS


STEPHEN JOURNEY,
COMMISSION COUNSEL



Public Utility Commission of Texas

By These Presents Be It Known To All That

Aqua Texas, Inc.

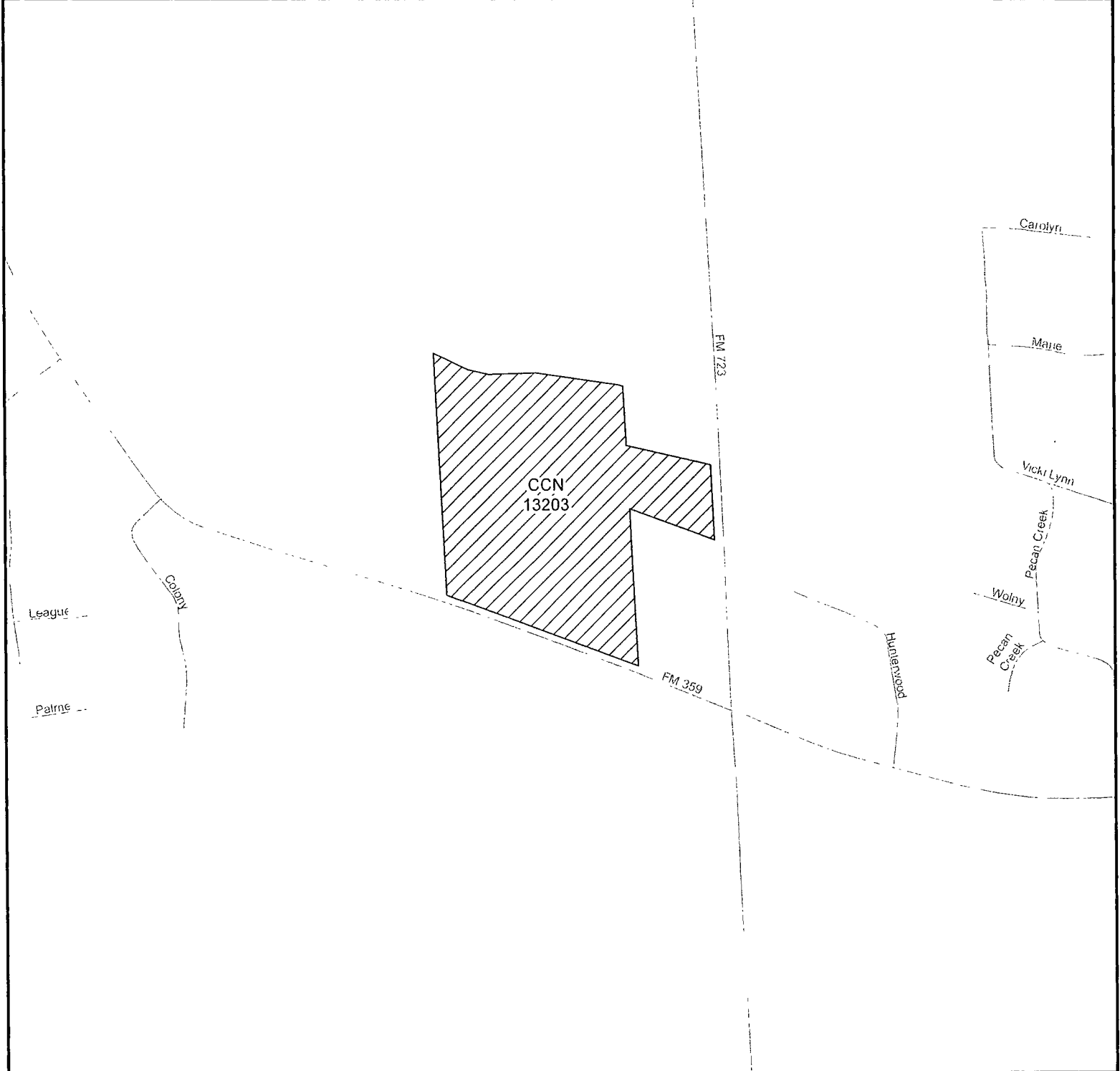
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Aqua Texas, Inc., is entitled to this

Certificate of Convenience and Necessity No. 13203

to provide continuous and adequate water utility service to that service area or those service areas in Brazoria, Chambers, Fort Bend, Grimes, Harris, Jefferson, Liberty, Montgomery, Polk, San Jacinto, Trinity, and Wharton Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48203 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 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 23^d day of JANUARY 2018⁹

Aqua Texas, Inc.
Portion of CCN No. 13203
PUC Docket No. 48203
Amended CCN No. 13203 in Fort Bend County



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

Water CCN



13203 - Aqua Texas Inc

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Map by: Komal Patel
Date created: August 3, 2018
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