



Control Number: 48203



Item Number: 5

Addendum StartPage: 0

DOCKET NO. 48203

RECEIVED

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

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PUBLIC UTILITY COMMISSION
OF TEXAS
PUBLIC UTILITY COMMISSION
FILING CLERK

2018 APR 10 PM 2:34

**COMMISSION STAFF'S 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. 1, files this 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 March 23, 2018, Aqua Texas, Inc. (Aqua Texas) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 13203 for the provision of retail water utility service in Fort Bend County.

On April 4, 2018, Order No. 1 was issued, establishing a deadline of April 23, 2018 for Staff to file comments on the administrative completeness of the application and proposed notice and propose a procedural schedule. This pleading is therefore timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Jolie Mathis in the Commission's Water Utility Regulation Division, Staff has reviewed the application and supplemental information filed by Aqua Texas and recommends that it be found administratively complete and accepted for filing.

III. NOTICE

As detailed in the attached memorandum, Staff recommends that Aqua Texas be directed to use the attached forms to provide notice of the application to the following:

- cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area;
- the county judge of each county that is wholly or partially included in the requested area;
- each groundwater conservation district that is wholly or partially included in the requested area; and
- landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the requested area to be certified. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the requested area is located;
- any affected customers, and other affected parties in the requested area; and
- publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Fort Bend County.

Additionally, Staff recommends that Aqua Texas be directed to provide correct notice of the application to the following entities:

- Undine Texas, LLC (CCN No. 13260)
- Brazos River Authority
- Fort Bend County Drainage District
- Fort Bend County MUD 142
- Fort Bend County MUD 176
- Fort Bend County MUD 200
- Fort Bend Subsidence District
- North Fort Bend Water Authority
- Fort Bend County Judge

Aqua Texas must provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, landowners and customers. Information related to districts including addresses, can be obtained by Aqua Texas from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>.

Within 30 days of the date of the notice, Aqua Texas must file in the docket a map and copy of notice along with an affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit for proof of newspaper

publication. It is recommended that Aqua Texas use the attached notices and affidavits to meet these requirements.

IV. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Therefore, Staff proposes the following procedural schedule:

Event	Date
Deadline for Aqua Texas to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation	June 7, 2018
Deadline for Staff to file a recommendation on sufficiency of notice	Within ten (10) days of Aqua Texas filing proof of completed notice with the Commission
Deadline to intervene	Thirty (30) days after notice is issued

V. CONCLUSION

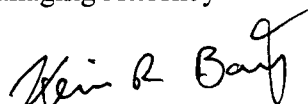
For the reasons discussed above, Staff respectfully recommends that the application be found administratively complete, that Aqua Texas be directed to provide notice as detailed above and in the attached memorandum, and that the proposed procedural schedule be adopted.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

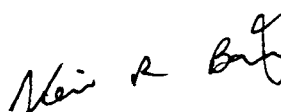


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DOCKET NO. 48203

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on April 23, 2018, in accordance with 16 TAC § 22.74.



Kevin R. Bartz

PUC Interoffice Memorandum

To: Kevin Bartz
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Jolie Mathis, Staff Engineer
Water Utility Regulation Division

Date: April 18, 2018

Subject: **Docket 48203**, *Application of Aqua Texas, Inc. to Amend a Water Certificate of Convenience and Necessity in Fort Bend County*

On March 23, 2018, Aqua Texas, Inc., (Aqua Texas or Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 13203 in Fort Bend County, Texas pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and the 16 Texas Administrative Code (TAC) §§ 24.101 to 24.107.

A Staff review of the information filed by the applicant, found that it is sufficient in the required application and mapping information. Therefore, Staff recommends that the application be deemed sufficient for filing and found administratively complete. Staff further recommends the Applicant be ordered to do the following:

- 1) Provide notice of the application to the following:
 - a) cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area;
 - b) the county judge of each county that is wholly or partially included in the requested area;
 - c) each groundwater conservation district that is wholly or partially included in the requested area; and
 - d) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the requested area to be certified. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the requested area is located;
 - e) any affected customers, and other affected parties in the requested area; and
 - f) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Fort Bend County.
- 2) Provide correct notice of the application to the following entities:
 - Undine Texas, LLC (CCN No. 13260)
 - Brazos River Authority
 - Fort Bend County Drainage District
 - Fort Bend County MUD 142
 - Fort Bend County MUD 176
 - Fort Bend County MUD 200
 - Fort Bend Subsidence District
 - North Fort Bend Water Authority
 - Fort Bend County Judge

- 3) Provide an accurate map delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners and customers. Information related to districts including addresses can be obtained by the Applicant from the TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>
- 4) Within 30 days of the date of the notice, file in the docket a map and copy of notice along with an affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit for proof of newspaper publication. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.

Notice for Publication

NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN FORT BEND COUNTY, TEXAS

Aqua Texas Inc., has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for CCN No. 13203 and for the provision of retail water utility service in Fort Bend County.

The requested area is located approximately 5 miles north of downtown Rosenberg, Texas, and is generally bounded on the north by Jones Creek; on the east by FM 723; on the south by FM 359; and on the west by 2500 feet west of FM 723. The total requested area includes approximately 66 acres and 0 current customers.

The requested area overlaps the boundaries of the Fort Bend County MUD 200. If Fort Bend County MUD 200 does not request a public hearing, the Commission shall determine that the district is consenting to the Aqua Texas Inc.'s request to provide retail Sewer utility service in the requested area.

A copy of the map showing the requested area is available at: Aqua Texas, Inc., 1100 Clayton Lane, Suite 400W, Austin, Texas 78723

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for a final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large scale map and a metes and bounds description of the landowner's tract of land.

Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-888-782-8477.

Notice to Neighboring Systems, Landowners and Cities

**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY
(CCN) TO PROVIDE WATER UTILITY SERVICE IN FORT BEND COUNTY, TEXAS**

To: _____
(Neighboring System, Landowner or City)

Date Notice Mailed: _____, 2018

(Address)

(City State Zip)

Aqua Texas, Inc., has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for CCN No. 13203 for the provision of retail water utility service in Fort Bend County.

The requested area is located approximately 5 miles north of downtown Rosenberg, Texas, and is generally bounded on the north by Jones Creek; on the east by FM 723; on the south by FM 359; and on the west by 2500 feet west of FM 723. The total requested area includes approximately 66 acres and 0 current customers. **See enclosed map showing the requested area.**

The requested area overlaps the boundaries of the Fort Bend County MUD 200. If Fort Bend County MUD 200 does not request a public hearing, the Commission shall determine that the district is consenting to the Aqua Texas Inc.'s request to provide retail Sewer utility service in the requested area.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date.

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In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-888-782-8477.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT LANDOWNERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. **48203**

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual
notice to the following entities and customers:

DATE OF NOTICE

OATH

I, _____, being duly sworn, file this form as
_____ (indicate relationship to applicant, that is,
owner, member of partnership, title of officer of corporation, or other authorized representative of
applicant); that in such capacity, I am qualified and authorized to file and verify such form, am
personally familiar with the notices given with this application, and have complied with all notice
requirements in the application and application acceptance letter; and that all such statements made
and matters set for therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant,
or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. **48203**

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____,
who being by me duly sworn, deposes and that (s)he is the

_____ of the _____
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas;
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 20____
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public
Commission Expires _____