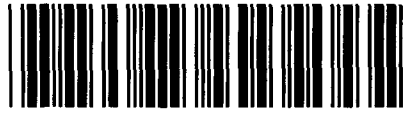


Control Number: 48465



Item Number: 12

Addendum StartPage: 0

RECEIVED

APPLICATION OF AQUA TEXAS, INC. AND THE CITY OF TOMBALL FOR APPROVAL OF SERVICE AREA CONTRACT UNDER TEXAS WATER CODE § 13.248 AND TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY IN HARRIS COUNTY	§ § § § § § §	PUBLIC UTILITY COMMISSION 2018 SEP 26 PM 1:51 PUBLIC UTILITY COMMISSION OF TEXAS FILING CLERK
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### COMMISSION STAFF'S FINAL RECOMMENDATION

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Final Recommendation and would show the following:

#### I. BACKGROUND

On June 14, 2018, the City of Tomball (Tomball) and Aqua Texas, Inc. d/b/a Aqua Texas (Aqua) filed an application under the Texas Water Code § 13.248 and Texas Administrative Code § 24.117 (TAC) for approval of a service area contract and to amend their water certificates of convenience and necessity (CCN) in Harris County.

The Applicants, by mutual agreement, seek approval and enforcement of a contract designating CCN service areas. The contract involves a transfer of 353 acres from Aqua's water CCN No. 13203 to Tomball's water CCN No. 13257 and a transfer of 356 acres from Aqua's sewer CCN No. 21065 to Tomball's sewer CCN No. 21103. There is no transfer of assets or facilities between the applicants.

Order No. 2, issued on July 18, 2018, established a deadline for Staff to file a final recommendation, if no hearing was requested, by September 26, 2018. Therefore, this pleading is timely filed.

#### II. RECOMMENDATION

As detailed in the attached memorandum from Debbie Reyes in the Commission's Water Utility Regulation Division (Attachment A), Staff has reviewed the application and recommends that it be approved. In accordance with this recommendation, the certificates (Attachment B) and maps (Attachment C) that the parties consented to in their filings of September 12, 2018, and

September 17, 2018, are attached. On or before October 4, 2018, the parties will jointly file proposed findings of fact and conclusions of law.

### **III. CONCLUSION**

Staff respectfully recommends that the Commission approve the application.

Dated: September 26, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney

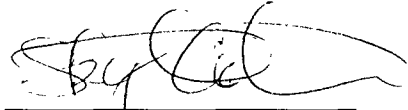
A handwritten signature in black ink, appearing to read 'Skyler Collins', written over a horizontal line.

Skyler Springsteen Collins  
State Bar No. 24105618  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7203  
(512) 936-7268 (facsimile)  
Skyler.Collins@puc.texas.gov

**DOCKET NO. 48465**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on, September 26, 2018, in accordance with 16 TAC § 22.74.

A handwritten signature in black ink, appearing to read 'Skyler Collins', written over a horizontal line.

Skyler Springsteen Collins

# Attachment A

## PUC Interoffice Memorandum

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**To:** Skyler Collins, Attorney  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**From:** Debbie Reyes, Program Specialist  
Water Utility Regulation Division

**Date:** September 18, 2018

**Subject:** **Docket 48465**, *Application of the Aqua Texas, Inc. and the City of Tomball for Approval of Service Area Contract under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity (CCN) in Harris County*

On June 14, 2018, Aqua Texas, Inc. d/b/a Aqua Texas (Aqua) and City of Tomball, Texas (City) (collectively, Applicants) filed an application under Texas Water Code (TWC) § 13.248 and 16 Texas Administrative Code (TAC) § 24.117. The Applicants seek approval of a contract expressing the Applicants' agreement to transfer portions of Aqua's water CCN No. 13203 and sewer CCN No. 21065 service areas to the City's adjacent existing water CCN No. 13257 and sewer CCN No. 21103 service areas.

The Applicant's application includes the transfer of approximately 353 total acres and 0 current customers from Aqua's water CCN No. 13203 to the City's water CCN No. 13257. In addition, the application includes the transfer of approximately 356 acres and 0 current customers from Aqua's sewer CCN No. 21065 to the City's sewer CCN No. 21103.

Notice was not required for this application because there are no affected customers in the area subject to the transfer.

The application meets all of the statutory requirements of TWC Chapter 13 and 16 Tex. Admin. Code Chapter 24 rules and regulations. Staff recommends approval of the application.

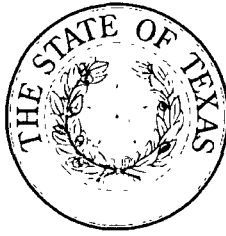
Aqua consented on September 17, 2018, and the City consented on September 12, 2018, to the attached map and certificates.

Based on the above information, Staff recommends the Commission do the following:

- Issue an order approving the application;
- Provide the attached map and certificates to the Applicants.

Staff further recommends that the Applicants file certified copies of the CCN map along with a written description of the CCN service areas in the county clerk's office pursuant to TWC §§ 13.257 (r)-(s).

# Attachment B



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **City of Tomball**

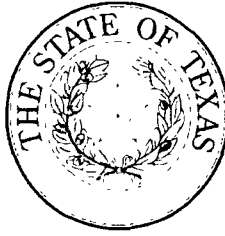
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, City of Tomball is entitled to this

### **Certificate of Convenience and Necessity No. 13257**

to provide continuous and adequate water utility service to that service area or those service areas in Harris and Montgomery Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48465 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the City of Tomball, 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, this \_\_\_\_\_ day of \_\_\_\_\_ 2018.





# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

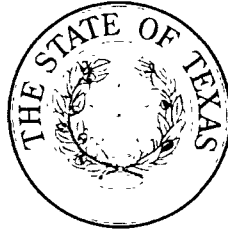
## **City of Tomball**

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, City of Tomball is entitled to this

### **Certificate of Convenience and Necessity No. 21103**

to provide continuous and adequate sewer utility service to that service area or those service areas in Harris and Montgomery Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48465 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the City of Tomball, 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, this \_\_\_\_\_ day of \_\_\_\_\_ 2018.



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

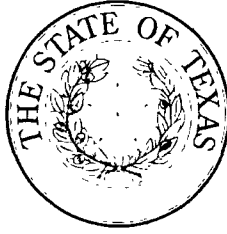
**Aqua Texas, Inc.**

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. 48465 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 \_\_\_\_\_ day of \_\_\_\_\_ 2018.



# **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

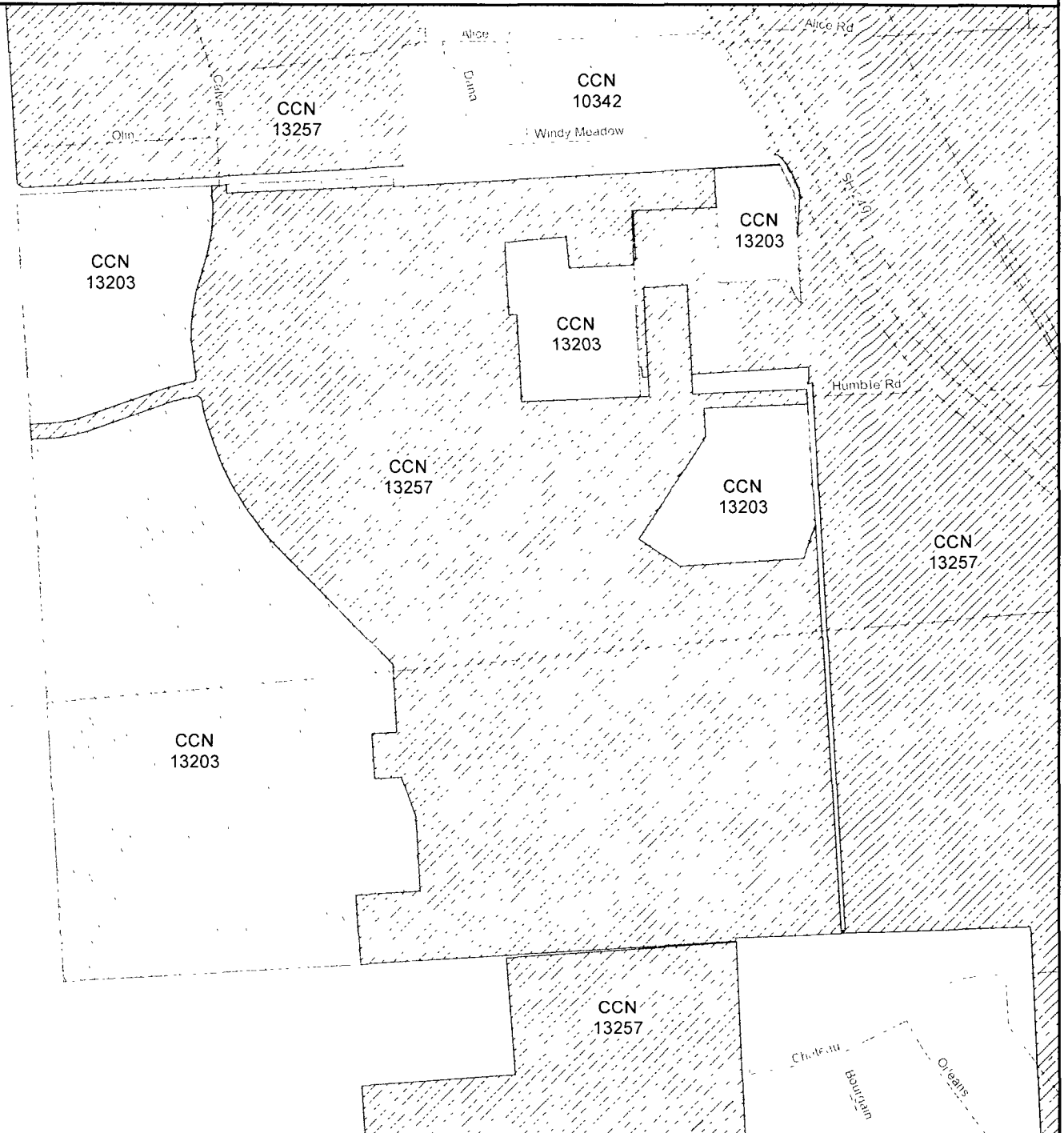
## **Certificate of Convenience and Necessity No. 21065**

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. 48465 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 \_\_\_\_\_ day of \_\_\_\_\_ 2018.



# Attachment C

City of Tomball  
Portion of Water CCN No. 13257  
PUC Docket No. 48465  
13.248 Agreement Amended CCN No. 13257 and  
Decertified a Portion of Aqua Texas, Inc., CCN No. 13203 in Harris County



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

**Water CCN**

-  13257 - City of Tomball
-  13203 - Aqua Texas Inc

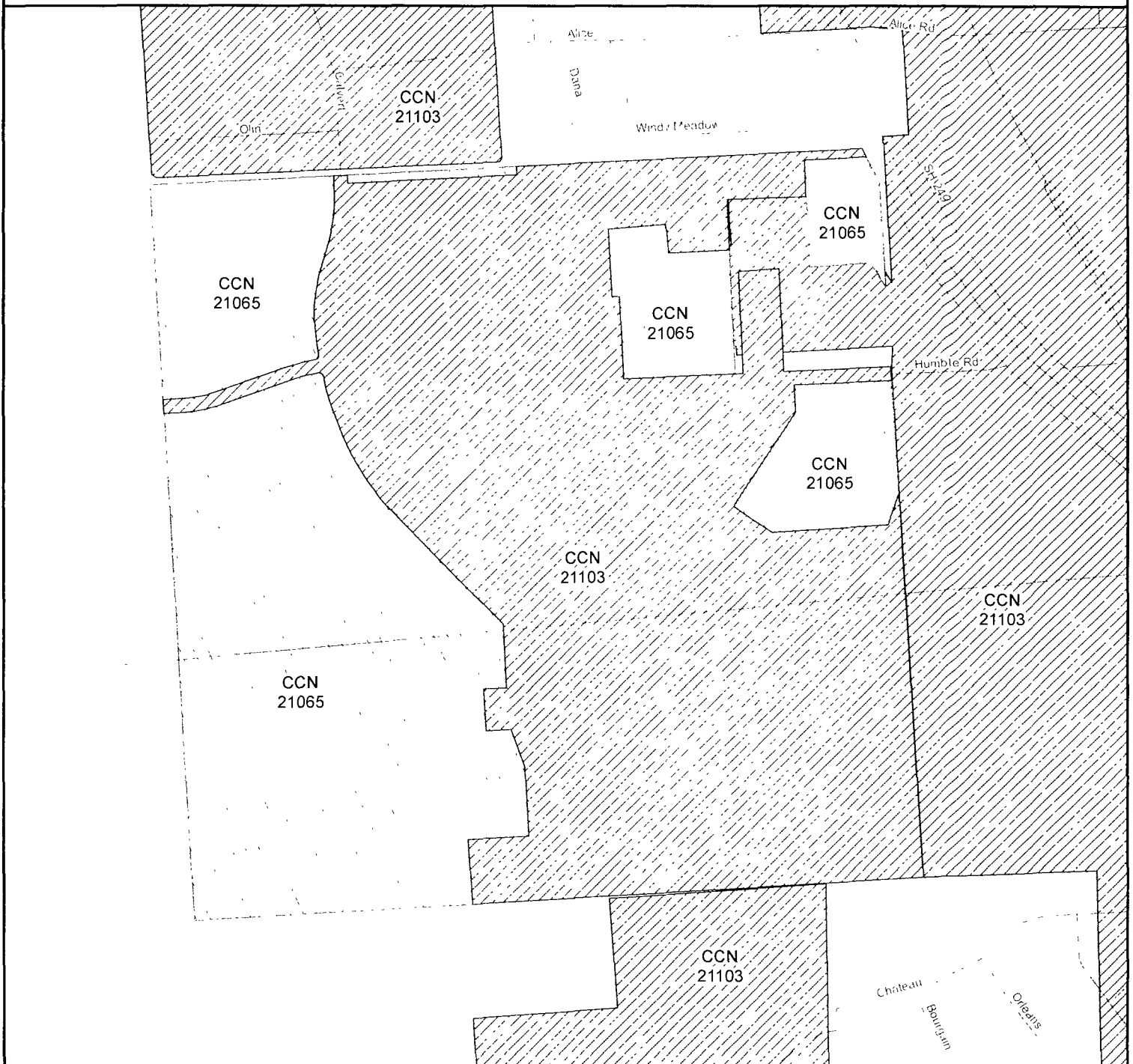
10342 - H-M-W SUD

0 500 1,000  
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

Map by Komal Patel  
Date created September 4, 2018  
Project Path n:\finalmapping\  
48465CityofTomballWater.mxd

City of Tomball  
 Portion of Sewer CCN No. 21103  
 PUC Docket No. 48465  
 13.248 Agreement Amended CCN No. 21103 and  
 Decertified a Portion of Aqua Texas, Inc., CCN No. 21065 in Harris County



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

**Sewer CCN**

-  21103 - City of Tomball
-  21065 - Aqua Texas Inc

0 500 1,000  
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Map by Komal Patel  
 Date created September 4, 2018  
 Project Path n:\finalmapping\  
 48465CityofTomballSewer.mxd