



Control Number: 48788



Item Number: 16

Addendum StartPage: 0

2019 MAR 13 PM 2:41

PETITION OF TFLP INVESTMENTS,	§	PUBLIC UTILITY COMMISSION
LP AND TFGP PROPERTIES, LLC TO	§	
AMEND AQUA TEXAS, INC.'S SEWER	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN HAYS COUNTY	§	
BY EXPEDITED RELEASE	§	

COMMISSION STAFF’S CORRECTIONS TO THE NOTICE OF APPROVAL

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Corrections to the Notice of Approval. In support thereof, Staff shows the following:

I. BACKGROUND

On October 16, 2018, TFLP Investments, LP, filed a petition with the Public Utility Commission of Texas (Commission) for expedited release from Aqua Texas, Inc.’s (Aqua Texas), sewer Certificate of Convenience and Necessity (CCN) No. 20867 pursuant to Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(1) (formerly 16 TAC § 24.113(1)). On January 22, 2019, the Commission administrative law judge (ALJ) issued Order No. 3, whereby the docket was restyled to add TFGP Properties, LLC, as a petitioner.

TFLP Investments, LP, and TFGP Properties, LLC (collectively, Petitioners), own 68.96 acres of contiguous property in Hays County, Texas (Property). Furthermore, Petitioners’ application stated that 26.7 acres of the Property was located within the boundaries of sewer CCN No. 20867.

On January 31, 2019, in an attachment to Commission Staff’s Recommendation on Final Disposition, Greg Charles of the Water Utility Regulation Division recommended that Petitioners’ application be approved. Mr. Charles also corrected a statement in Petitioners’ application, stating that “approximately 38 acres” of the Property, rather than 26.7 acres, was located within the boundaries of sewer CCN No. 20867.

On March 4, 2019, the Commission ALJ issued a notice of approval in this docket. The notice of approval represented that 26.7 acres of the Property were located within the boundaries of sewer CCN No. 20867. Under the Commission rules, specifically, 16 Texas Administrative Code (TAC) § 22.35(c)(1), parties may file suggested corrections to a notice of approval within

fifteen (15) days of the issuance of such notice. Therefore, Staff's suggested corrections in this pleading are timely filed.¹

II. STAFF'S PROPOSED CORRECTIONS

Staff proposes the following corrections to the notice of approval:

Modify the introductory paragraph to clarify the amount of acreage owned by Petitioners located in Aqua Texas's sewer CCN No. 20867.

The Commission approves the petition and removes the ~~26.7~~ approximately 38 acres owned by Petitioners from Aqua Texas, Inc.'s sewer CCN number 20867 in Hays County.

Modify Finding of Fact No. 3 to clarify the amount of acreage owned by Petitioners located in Aqua Texas's sewer CCN No. 20867.

3. Petitioners jointly own 68.96 contiguous acres of land in Hays County, of which ~~26.7~~ approximately 38 acres are located within the boundaries of Aqua Texas, Inc.'s sewer CCN number 20867.

Modify Finding of Fact No. 4 to clarify the amount of acreage owned by Petitioners located in Aqua Texas's sewer CCN No. 20867.

4. On October 16, 2018, TFLP Investments filed a petition for expedited release of the ~~26.7-acre~~ approximately 38-acre tract of land in Hays County.

Modify Ordering Paragraph No. 1 to clarify the amount of acreage owned by Petitioners located in Aqua Texas's sewer CCN No. 20867.

1. The Commission grants the petition and removes the ~~26.7-acre~~ approximately 38-acre tract of land owned by Petitioners from Aqua Texas, Inc.'s sewer CCN number 20867.

III. CONCLUSION

Staff respectfully requests that the Commission ALJ adopt the corrections proposed above.

¹ Fifteen (15) days from the date the notice of approval was issued (March 4, 2019) is Tuesday, March 19, 2019.

Dated: March 13, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney



Richard Nemer
State Bar No. 24042829
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7348
(512) 936-7268 (facsimile)
richard.nemer@puc.texas.gov

DOCKET NO. 48788

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 13, 2019, in accordance with 16 TAC § 22.74.



Richard Nemer