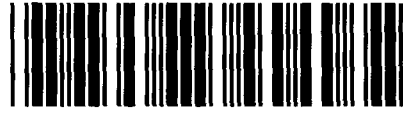


Control Number: 48788



Item Number: 6

Addendum StartPage: 0

DOCKET NO. 48788

RECEIVED

2018 NOV 14 AM 10:50  
BEFORE THE

PUBLIC UTILITY COMMISSION  
FILING CLERK

PUBLIC UTILITY COMMISSION

PETITION OF TFLP INVESTMENTS, §  
LP TO AMEND AQUA TEXAS, INC.'S §  
SEWER CERTIFICATE OF §  
CONVENIENCE AND NECESSITY NO. §  
20867 IN HAYS COUNTY BY §  
STREAMLINED EXPEDITED §  
RELEASE §

OF TEXAS

**PETITIONERS' RESPONSE TO COMMISSION STAFF'S RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS AND PROPOSED NOTICE**

COME NOW TFLP Investment, LP ("TFLP"), and its general partner, TFGP Properties, LLC ("TFGP") (collectively "Petitioners") and file this Response to Commission Staff's Recommendation on Administrative Completeness and Proposed Notice and respectfully show the following:

**I. BACKGROUND**

On October 16, 2018, Petitioners filed a petition with the Public Utility Commission of Texas ("Commission") for streamlined expedited release from Aqua Texas, Inc.'s (Aqua) 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(l) (previously 16 TAC § 24.113). As shown in the petition, the Petition was submitted under TWC § 13.254(a-5) and the rules of the Commission; Petitioners are the owners of a tract of land greater than 25 acres as evidenced by warranty deed; at least a portion of the tract is located within the current boundaries of the CCN of Aqua and within the boundaries of a qualifying county; and the tract is currently not receiving service from Aqua. On the same date, October 16, 2018, Petitioners provided a copy of the petition via certified mail to Aqua.

In their Recommendation on Administrative Completeness and Proposed Notice, Commission Staff asked Petitioners to supplement their filing by showing that TFGP, the general partner of TFLP, consents to and also requests a streamlined expedited release from Aqua's CCN. Furthermore, the Commission Staff asked Petitioners to submit proof that Petitioners mailed a

6

copy of the Petition via certified mail to Aqua on the same day as they filed the Petition with the Commission.

## **II. RESPONSE**

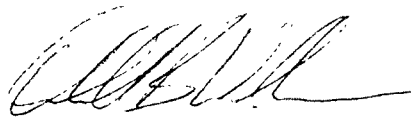
Enclosed as Exhibit A is TFGP's confirmation of its October 16, 2018 request for streamlined release from Aqua's CCN. Enclosed as Exhibit B is proof that Petitioners mailed the Petition to Aqua on the same date Petitioners filed the Petition with the Commission.

## **III. PRAYER**

For the reasons discussed above, Petitioners respectfully request that the Administrative Law Judge find the Petition complete.

Respectfully submitted,

Randall B. Wilburn  
State Bar No. 24033342  
Helen S. Gilbert  
State Bar No. 00786263  
GILBERT WILBURN PLLC  
7000 N. Mopac Expwy, Suite 200  
Austin, Texas 78731  
Telephone: (512) 535-1661  
Telecopier: (512) 535-1678  
By:



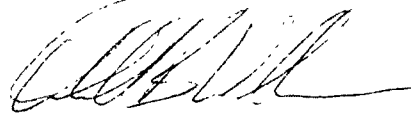
---

Randall B. Wilburn

**ATTORNEYS FOR PETITIONERS**

**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, or Certified Mail Return Receipt Requested on all parties on the 14th of November 2018.



---

Randall B. Wilburn

# Exhibit A

## TFGP Properties, LLC

November 12, 2018

**Via Hand Delivery**

Public Utility Commission of Texas  
PO Box 13326  
Austin, Texas 78711-3326

**Re: TFGP Properties, LLC; Petition for Streamlined Expedited Release from  
CCN No. 20867 in Hays County Texas; Aqua Texas, Inc.**

Dear Commission:

I am writing in response to the Commission Staff's Recommendation on Administrative Completeness and Proposed Notice, dated November 9, 2018. In that filing, the Commission Staff ask that we supplement the petition to include a request from TFGP Properties, LLC as general partner of TFLP Investments, LP. Please consider this letter as that request. We also ask that you treat any future filings from the partnership as filings on behalf of all of the partners.

You already have on file a copy of the recorded Warranty Deed with metes and bounds survey attached that describes the property for exclusion from the Aqua Texas, Inc. CCN. You also already have the digital mapping data in a shapefile (SHP) formatted to PUC specifications for the area that the PUC must remove from the Aqua Texas, Inc. CCN area.

If you have any questions or need additional information, please do not hesitate to contact our legal counsel, Randall B. Wilburn at 512-535-1661.

Sincerely,



Douglas Thomas, Managing Member  
TFGP Properties, LLC, the General Partner of  
TFLP Investments, LP

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

AUSTIN TX 78726

**OFFICIAL USE**

Postmark Here

0128 55

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$7.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.50
Total Postage and Fees	\$6.70

Sent To  
AQUA TEXAS  
Street and Apt. No., or PO Box No.  
1106 CLAYTON LN SUITE 400W  
City, State, ZIP+4®  
Austin TX 78723-2476

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7016 3560 0000 1362 2877

# Exhibit B

## TFLP Investments, LP

September 28, 2018

Public Utility Commission of Texas  
PO Box 13326  
Austin, Texas 78711-3326

**Re: TFLP Investments, LP; Petition for Streamlined Expedited Release from  
CCN No. 20867 in Hays County Texas; Aqua Texas, Inc.**

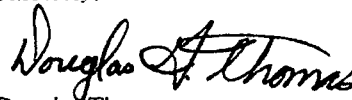
Dear Commission:

In accordance with Section 24.113(1) of Title 16 of the Texas Administrative Code (the "Commission rules"), a landowner of 25 or more acres of land located in a CCN may request streamlined, expedited release from a Certificate of Convenience and Necessity "CCN." TFLP Investments, LP, is the landowner of more than 25 acres; my property is not receiving sewer service from the current CCN holder, Aqua Texas, Inc.; and, at least part of the tract of land is located in the current CCN holder's certificated service area and at least some of that part is located in a qualifying county.

Exhibit A is a copy of the recorded Warranty Deed with metes and bounds survey attached that describes the property for exclusion from the Aqua Texas, Inc. CCN. My property includes 26.7 acres of land within CCN No. 20867, and the property is located in Hays County – a qualifying County under Section 24.113(1). Exhibit B, attached as a CD-ROM, is a digital mapping data in a shapefile (SHP) formatted to PUC specifications for the area that the PUC must remove from the Aqua Texas, Inc. CCN area. A copy of this petition was mailed to the CCN holder.

If you have any questions or need additional information, please do not hesitate to contact our legal counsel, Randall B. Wilburn at 512-535-1661.

Sincerely,




Douglas Thomas  
General Manager

Enclosure

7016 3560 5550 1362 2884

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
Do not use Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> .	
09/28/2018 10:16 AM 78723	
7016 3560 5550 1362 2884	
Certified Mail Fee	\$2.45
Extra Services & Fees (check box, add fee as appropriate)	\$2.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (Electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$1.42
Total Postage and Fees	\$7.62
Postmark Here	0128 35
Date	10/16/2018
Sent To Aqua Texas	
Street and Apt. No., or PO Box No. 1106 Clayton Ln, Suite 400 W	
City, State, ZIP+4® Austin TX 78723-2476	
PS Form 3800, April 2015 PSN 7530-01-000-9047 See Reverse for Instructions	

# Exhibit B

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<p>A. Signature X <i>Lori Lewis</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>																
<p>1. Article Addressed to:</p> <p><i>Aqua Texas</i> <i>1106 Clayton Ln., Suite 400W</i> <i>Austin, TX 78723-2476</i></p>  <p>9590 9402 2646 6336 8577 67</p>	<p>B. Received by (Printed Name) <i>Lori Lewis</i> C. Date of Delivery <i>10/18/12</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>2. Article Number (Transfer from service label)</p> <p><i>7016 3560 0000 1362 2884</i></p>	<p>3. Service Type</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express®</td></tr><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input checked="" type="checkbox"/> Registered Mail™</td></tr><tr><td><input type="checkbox"/> Certified Mail®</td><td><input type="checkbox"/> Registered Mail Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input type="checkbox"/> Return Receipt for Merchandise</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation™</td></tr><tr><td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Insured Mail</td><td></td></tr><tr><td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td><td></td></tr></table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input checked="" type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input checked="" type="checkbox"/> Registered Mail™																
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise																
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt