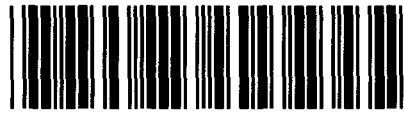




Control Number: 48824



Item Number: 11

Addendum StartPage: 0

DOCKET NO. 48824

PETITION OF TEJAS CREEK, LTD. TO §
AMEND AQUA TEXAS, INC.'S §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN MONTGOMERY §
COUNTY BY EXPEDITED RELEASE §

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PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

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. In support thereof, Staff shows the following:

I. BACKGROUND

On October 30, 2018, Tejas Creek, Ltd. (Tejas Creek) filed a petition with the Commission for expedited release from Aqua Texas, Inc.'s (Aqua) water Certificate of Convenience and Necessity (CCN) No. 13203 and sewer CCN No. 21065 in Montgomery County, pursuant to Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(l) (formerly 16 TAC § 24.113). Tejas Creek asserts that the land is at least 25 contiguous acres, is not receiving water or sewer service, and is located in Montgomery County which is a qualifying county.

On November 29, 2018, Aqua filed its Motion to Intervene, Initial Comments, and Request for Response Deadline. On December 6, 2018, Tejas Creek filed a response. On December 12, 2018, Order No. 2 was issued granting Aqua's motion to intervene. On December 19, 2018, Aqua filed its Supplemental Response to the Petition. On December 12, 2018, Order No. 3 was issued finding the application administratively complete and establishing a deadline of January 2, 2019, for Staff to file a recommendation on final disposition. Therefore, this pleading is timely filed.

II. STATUTORY APPROVAL DEADLINE

Pursuant to TWC § 13.254(a-5) and 16 TAC § 24.245(l), the Commission must render a decision on a petition for expedited release "not later than the 60th day after the date the landowner files the petition." A petition is not considered filed until it is deemed administratively complete. Tejas Creek's petition was deemed administratively complete in Order No. 3, issued on December 12, 2018; therefore, the 60-day deadline for administrative approval is February 10, 2019. Because

the Commission is closed on that day, administrative approval must be rendered on or before February 11, 2019.

III. FINAL RECOMMENDATION

Staff has reviewed the Petition and, as is outlined by the attached memorandum of Nabaraj Pokharel of the Commission's Water Utility Regulation Division, recommends approval of the petition as Tejas Creek has met the Commission's requirements to allow for the release of the requested area from Aqua's water CCN No. 13203 and sewer CCN No. 21065. The maps and digital data submitted by Tejas Creek provide adequate information to demonstrate that the petition satisfies the requirements of TWC § 13.254(a-5) and 16 TAC § 24.245(l). Specifically, the petition shows that the property for which Tejas Creek seeks expedited release is located in a qualifying county (Montgomery County), is not receiving water service, and that the aggregated, contiguous tracts of land make up a single property that is at least 25 acres. Tejas Creek has shown through its petition that it meets the requirements for expedited release. Additionally, no property will be rendered useless or valueless as a result of this petition. Therefore, Staff recommends that the petition be approved. The final maps and CCN Certificates are attached to this filing.

IV. CONCLUSION

For the reasons detailed above, Staff respectfully requests that an order be issued consistent with the above recommendation.


Dated: January 2, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

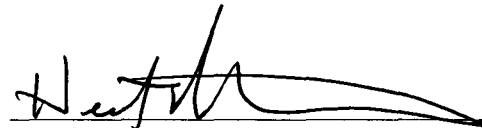


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DOCKET NO. 48824

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 2, 2019, in accordance with 16 TAC § 22.74.


Heath D. Armstrong

PUC Interoffice Memorandum

To: Heath Armstrong, Attorney
Legal Division

Thru: Heidi Graham, Manager
Water Utility Regulation Division

From: Nabaraj Pokharel, Engineering Specialist
Water Utility Regulation Division

Date: January 2, 2019

Subject: **Docket No. 48824:** *Petition of Tejas Creek Ltd to Amend Aqua Texas Inc.'s Certificates of Convenience and Necessity in Montgomery County by Expedited Release*

On October 30, 2018, Tejas Creek Ltd., (Petitioner) filed an Petition for expedited release from Aqua Texas Inc.'s (Aqua's) water Certificate of Convenience and Necessity (CCN) No. 13203 and sewer CCN No. 21065 in Montgomery County, under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(I). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Montgomery County which is a qualifying county.

The Petitioner submitted a sworn affidavit attesting that the petition is being filed in accordance with 16 TAC § 24.245(I), as well as proof that a copy of the Petition was sent via certified mail to Aqua Texas , the current holder of water CCN No. 13203 and sewer CCN No. 21065.

The Petitioner submitted an adequate map delineating the requested area for expedited release with enough detail to confirm the accurate positioning of their digital data pursuant to 16 TAC § 24.257. The map and digital data were sufficient for determining the location of the requested release area within the Aqua's certificated area. Mapping Staff was able to confirm the acreage of the subject property, and determined that the requested area was located within the subject property. Furthermore, the Petitioner provided a warranty deed confirming the Petitioner's ownership of the tract of land within the subject property. The area requested for expedited release is approximately 108 acres.

Aqua was granted intervenor status; however, Staff recommends that there is no useless or valueless property, in accordance with 16 TAC § 24.245(n)(3). Staff further recommends that a compensation proceeding is not necessary, if the Commission determines that there is no useless or valueless property, pursuant to 16 TAC § 24.245(n)(7).





Staff recommends that the Petitioner has met the Commission's requirements to allow for the release of the requested area from Aqua's water CCN No. 13203 and sewer CCN No 21065 and recommends approval of the petition. Final maps and CCN certificates are attached for Commission approval.



Aqua Texas, Inc.
Portion of Water CCN No. 13203
PUC Docket No. 48824
Petition by Tejas Creel, Ltd. to Amend
Aqua Texas Inc.'s CCN by Expedited Release in Montgomery County



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

Water CCN

-  13203 - Aqua Texas Inc
-  12703 - Lake Bonanza WSC
-  12887 - MSEC Enterprises Inc
-  12700 - Lake South WSC

-  Property Boundary
-  Area Released

0 300 600
Feet



Map by Komal Patel
Date created December 18, 2018
Project Path n:\finalmapping\
48824AquaTXWater.mxd

Aqua Texas, Inc.
Portion of Sewer CCN No. 21065
PUC Docket No. 48824
Petition by Tejas Creel, Ltd. to Amend
Aqua Texas Inc.'s CCN by Expedited Release in Montgomery County



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

Sewer CCN



21065 - Aqua Texas Inc



20772 - Lake South WSC



Property Boundary

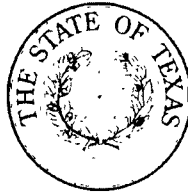


Area Released

0 300 600
Feet



Map by Komal Patel
Date created December 18, 2018
Project Path n\finalmapping\
48824AquaTXSewer.mxd



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, the Aqua Texas, Inc., is entitled to this

Water 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. 48824 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 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, this _____ day of _____ 2019.



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, the Aqua Texas, Inc., is entitled to this

Sewer 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, 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. 48824 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 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, this _____ day of _____ 2019.