



Control Number: 48824



Item Number: 6

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

**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. In support thereof, Staff shows the following:

**I. BACKGROUND**

On October 30, 2018, Tejas Creek, Ltd. (Petitioner) 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 § 24.113). Petitioner 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 October 31, 2018, Order No. 1 was issued establishing a deadline of November 29, 2018, for Staff to file a recommendation on the administrative completeness of the application and notice and propose a procedural schedule for further processing of the application. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition for expedited release and, as detailed in the attached memorandum from Nabaraj Pokharel of the Commission's Water Utility Regulation Division, recommends that it be found administratively complete and sufficient for further review.

### III. NOTICE SUFFICIENCY

Under 16 TAC § 24.245(l)(4)(A)(vi), the landowner must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition with the Commission.

Petitioner states in its filing that it mailed a copy of its petition to the CCN holder, Aqua, by certified mail on the day after the petition was filed with the Commission. Petitioner also included an affidavit attesting to this provision of notice to Aqua. In addition, the Commission also published notice of this petition in the *Texas Register* on November 16, 2018. Such notice meets the requirement of 16 TAC § 24.245(l). Accordingly, Staff recommends that the notice issued be found sufficient.

### IV. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes that the procedural schedule outlined below be used for further processing of the application. Under TWC § 13.254(a-6), there is an expedited statutory deadline of 60 days for approval that begins once the Administrative Law Judge (ALJ) issues an order finding an application administratively complete. Therefore, Staff requests that the ALJ populate the following deadlines accordingly when the ALJ issues that order.

Event	Date
Order regarding administrative completeness of the Petition	Date of Order
Deadline for Petitioner and/or intervenors to file a response to the administratively complete Petition	Seven (7) days from date of the Order deeming the Petition administratively complete
Deadline for Commission Staff's recommendation on final disposition	Seven (7) days from the deadline for Aqua and/or intervenors to file a response
Deadline for Petitioner to file a reply to both Aqua's response and Commission Staff's recommendation on final disposition <sup>1</sup>	Seven (7) days from the deadline for Commission Staff to file its final recommendation
Sixty (60) day administrative approval	Sixty (60) days from the Order deeming the petition administratively complete

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<sup>1</sup> Staff notes that such a reply must be limited to briefing and argument. Submission of any additional proof will be deemed a new petition.

**V. CONCLUSION**

For the reasons detailed above, Staff respectfully requests that an order be issued that (1) finds the Petition administratively complete and its notice sufficient and (2) adopts the above proposed procedural schedule.

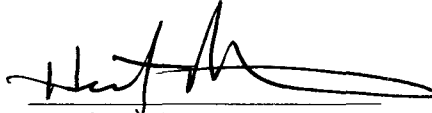
Dated: November 29, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Stephen Mack  
Managing Attorney

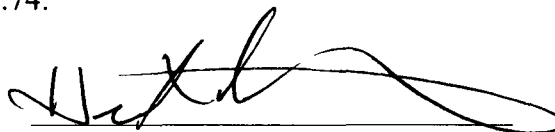


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**DOCKET NO. 48824**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on November 29, 2018, in accordance with 16 TAC § 22.74.



Heath D. Armstrong

## PUC Interoffice Memorandum

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**To:** Heath Armstrong, Attorney  
Legal Division

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

**From:** Nabaraj Pokharel, Engineering Specialist  
Water Utility Regulation Division

**Date:** November 29, 2018

**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) Section § 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 adequate maps 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 are sufficient for determining the locations of the requested release areas within Aqua's certificated area. Staff was able to confirm the acreage of the subject properties as approximately 108 acres and determined that the requested areas are located within the subject property. Furthermore, the Petitioner provided warranty deeds confirming the Petitioners' ownership of the tracts of land within the subject property. In addition, the Petitioner submitted a sworn affidavit attesting that the property was not receiving water from Aqua, the CCN holder. .

The Petitioner also included a statement indicating that a copy of the petition was sent via certified mail to Aqua on the date the petition was filed with the Commission.

Staff has reviewed the information provided by the Petitioner and recommends the petition be deemed administratively complete and accepted for filing.