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PUC DOCKET NO. 48824

**PETITION BY TEJAS CREEK, LTD
FOR EXPEDITED RELEASE
FROM WATER CCN NO. 13203
AND SEWER CCN NO. 21065
HELD BY AQUA TEXAS, INC.
IN MONTGOMERY COUNTY**

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**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

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PUBLIC UTILITY COMMISSION
FILING CLERK

TEJAS CREEK LTD.'S RESPONSE TO AQUA TEXAS' MOTION TO INTERVENE

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Tejas Creek, Ltd., (Petitioner) and files this Response to Aqua Texas, Inc.'s (Aqua) Motion to Intervene in Petitioner's Petition for expedited release from water certificate of convenience and necessity (CCN) No. 13203 and sewer CCN No. 21065, pursuant to Texas Water Code § 13.254 (a-5) and Rule 24.245(l) of the Public Utility Commission's (PUC) Rules found at 16 Texas Administrative Code § 24.245, and in support thereof would respectfully show the following:

I. AQUA DOES NOT PROVIDE SERVICE TO THE PROPERTY

Contrary to Aqua's unsupported contention, it does not "serve" the land to be released, which consists of approximately 108 acres of contiguous property in Montgomery County (the "Property"), and Aqua has presented no evidence that it serves the Property or that any of its facilities or other assets will be rendered useless or valueless. Pursuant to the Texas Water Code § 13.002(21) and 16 Tex. Admin. Code § 24.3(62), "service" means "any act performed, anything furnished or supplied, and any facilities or lines committed or used by a retail public utility in the performance of its duties" under Chapter 13 of the Texas Water Code "to its patrons, employees, other retail public utilities, and the public, as well as the interchange of facilities between two or more retail public utilities." Although the Property is within the boundaries of water CCN No. 13203 and sewer CCN No. 21065 held by Aqua, Aqua does not serve the Property

because it does not provide any water or sewer service to the Property, has not committed any facilities to the service of the Property, and has no water or sewer facilities on the Property. The affidavit filed in support of the Petition provides evidence showing that the Property does not receive service from any provider. Because Aqua does not serve the Property and has not committed facilities to the service of the Property, no property of Aqua will be rendered useless or valueless.

III. CONCLUSION AND PRAYER

Texas Water Code § 13.254(a-5) entitles Petitioner to expedited release of the Property as described in Petitioner's Petition for Expedited Release. Aqua does not provide service to the Property and has presented no evidence to the contrary. The Petitioner respectfully requests that the PUC grant Petitioner's Petition, and issue an order under the authority of § 13.254(a-5) releasing all portions of the Property that is within the boundaries of water CCN No. 13203 and sewer CCN No. 21065.

Respectfully submitted,

Emily W. Rogers
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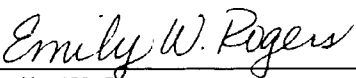
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BY: *Emily W. Rogers*
Emily W. Rogers

CERTIFICATE OF SERVICE

I hereby certify by my signature below that on the 5th day of December, 2018, a true and correct copy of the above and foregoing document was forwarded via hand delivery, facsimile, U.S. mail or electronic mail to all parties of record and a true and correct copy of the above and foregoing document has been mailed by certified mail to Aqua Texas, Inc., at 1106 Clayton Ln., Suite 400W, Austin, TX 78723-2476.



Emily W. Rogers