



Control Number: 48975



Item Number: 2

Addendum StartPage: 0

DOCKET NO. 48700

PETITION OF DENTON SORRELLS, §
LLC TO AMEND AQUA TEXAS, INC.'S §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN DENTON §
COUNTY BY EXPEDITED RELEASE §
§

RECEIVED
2018 DEC 16 PM 1:18
PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

ORDER NO. 3
GRANTING MOTION TO SEVER

DOCKET NO. 48975

PETITION OF PUNKADILLY, LTD. TO § PUBLIC UTILITY COMMISSION
AMEND AQUA TEXAS, INC.'S §
CERTIFICATE OF CONVENIENCE § OF TEXAS
AND NECESSITY IN DENTON §
COUNTY BY EXPEDITED RELEASE §
§

ORDER NO. 1
MOTION TO SEVER

This Order addresses the motion to sever jointly filed by Denton Sorrells, LLC and Punkadilly, LTD. on December 3, 2018.

On September 19, 2018, Denton Sorrells, LLC and Punkadilly, LTD jointly filed a petition with the Commission for expedited release of two tracts of land from the service area of Aqua Texas, Inc. under certificate of convenience and necessity (CCN) number 13201 in Denton County under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(I) (which section was subsequently repealed and readopted at 16 TAC § 24.245(I)). Denton Sorrells owns a tract of land that is approximately 324 acres and Punkadilly owns a tract of land that is approximately 62 acres. Both tracts are located within the boundaries of Aqua's service area.

In Order No. 2, the petition was found to be incomplete and deficient and Denton Sorrells and Punkadilly were ordered to cure the deficiencies on or before November 19, 2018.

2

Commission Staff was directed to file a supplemental recommendation regarding administrative completeness on or before December 19, 2018. Denton Sorrells and Punkadilly were ordered not to issue notice of the petition until such time that the petition is found to be administratively complete. Under 16 TAC § 24.8(d), a petition is not considered to be filed until the Commission makes a determination that the petition is administratively complete.

On December 3, 2018, Denton Sorrells and Punkadilly jointly filed a motion to sever the joint petition into two separate petitions: one for the 324-acre tract of land owned by Denton Sorrells and the other for the 62-acre tract of land owned by Punkadilly. An amended petition for the tract of land owned by Denton Sorrells and a separate petition for the tract of land owned by Punkadilly were attached to the motion to sever. On December 6, 2018, Commission Staff filed a response to the motion to sever in which it agreed that processing the two petitions in separate dockets would be appropriate.

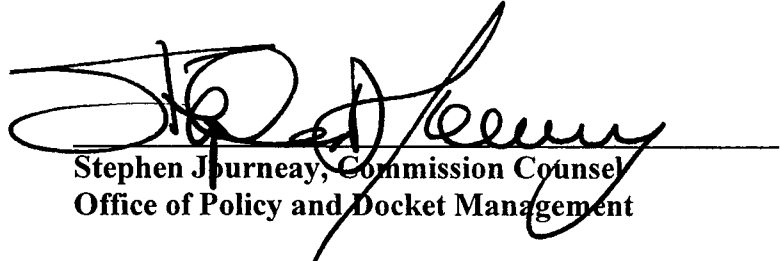
A severance may be granted if severance would serve the interest of efficiency or prevent unwarranted expense and delay and the applicant's ability to present its case and other person's ability to respond to the applicant's case would not be unduly prejudiced. A single petition under 16 TAC § 24.245(1) for two separate tracts of land owned by different entities is not contemplated under that rule or TWC § 13.254(a-5). Processing an improper petition would not be efficient and would cause additional unwarranted expense and delay. Accordingly, the Commission issues the following orders:

1. The motion to sever is granted.
2. The amended petition of Denton Sorrells will be processed in Docket No. 48700.
3. Docket No. 48700 is restyled as *Petition of Denton Sorrells, LLC to Amend Aqua Texas, Inc.'s Certificate of Convenience and Necessity in Denton County by Expedited Release*.
4. Commission Staff must file a recommendation regarding administrative completeness of Denton Sorrells' amended petition on or before December 19, 2018. If additional time is required to conduct a review of this amended petition and prepare a recommendation, Commission Staff must file a request for additional time on or before December 19, 2018.

5. Denton Sorrells may not issue notice of the amended petition until such time that the amended petition is found to be administratively complete.
6. The petition of Punkadilly will be process in Docket No. 48975, *Petition of Punkadilly, Ltd. to Amend Aqua Texas, Inc. 's Certificate of Convenience and Necessity in Denton County by Expedited Release.*
7. Commission Staff must file a recommendation regarding administrative completeness of Punkadilly's petition on or before December 19, 2018. If additional time is required to conduct a review of this petition and prepare a recommendation, Commission Staff must file a request for additional time on or before December 19, 2018.
8. Punkadilly may not issue notice of its petition until such time that the petition is found to be administratively complete.
9. Central Records must duplicate and file in Docket No. 48975 this Order and the petition of Punkadilly attached to the motion to sever filed on December 3, 2018 in Docket No. 48700.
10. All pleadings, orders, and other items filed in Docket No. 48700 before the date of this Order are and continue to be part of the administrative record in Docket No. 48975 but, except for Punkadilly's petition, must not be duplicated and filed in Docket No. 48975.

Signed at Austin, Texas the 14th day of December 2018.

PUBLIC UTILITY COMMISSION OF TEXAS



Stephen Journeay, Commission Counsel
Office of Policy and Docket Management