



Control Number: 49904



Item Number: 5

Addendum StartPage: 0

**PUC DOCKET NO. 49904**

**PETITION BY REPUBLIC BUSINESS  
CENTER, LLC FOR EXPEDITED  
RELEASE FROM WATER CCN NO.  
13203 AND SEWER CCN NO. 21065  
HELD BY AQUA TEXAS INC.**

§  
§  
§  
§  
§

**BEFORE THE  
PUBLIC UTILITY COMMISSION  
OF TEXAS**

RECEIVED  
2019 SEP 18 PM 1:44  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**AMENDED PETITION BY REPUBLIC BUSINESS CENTER LLC FOR EXPEDITED  
RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.254(A-5)**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Republic Business Center LLC (Petitioner), and files this Amended Petition with the Public Utility Commission of Texas (PUC) for expedited release from Aqua Texas Inc.'s water certificate of convenience and necessity (CCN) No. 13202 and sewer CCN No. 21065 pursuant to Texas Water Code Section 13.254 (a-5) and Rule 24.245 of the PUC's Rules found at 16 Texas Administrative Code § 24.245 and, in support thereof, would respectfully show the following:

**I. APPLICABLE REGULATIONS**

Section 13.254(a-5) of the Texas Water Code provides that the owner of a tract of land that is at least 25 acres and is not receiving water or sewer service may petition for expedited release of the area from a CCN. TEX. WATER CODE ANN. § 13.254(a-5). For land that is located within a county with a population of at least one million, or a county adjacent to a county with a population of at least one million, the owner of the qualifying tract "is entitled to that release." *Id.* The rule adopted by the PUC pursuant to Section 13.254(a-5) provides the same, and it recognizes that Harris County is a county in which owners of at least 25 acres are entitled to expedited release. *See* 16 TEX. ADMIN. CODE § 24.245. Under Section 13.254(a-6), the PUC "shall grant a petition received under Section (a-5) not later than the 60<sup>th</sup> day after the date the landowner filed the petition."

5

## II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 156.0249 acres of contiguous property in Harris County (Property). A portion of the Property is within the boundaries of water CCN No. 13203 and Sewer CCN No. 21065 held by Aqua Texas Inc. The Property does not receive service from any water or sewer provider. An affidavit in support of this Amended Petition is attached hereto as Exhibit A. Maps showing the location of the Property, along with the digital data, are attached hereto as Exhibit B. The deeds showing ownership of the Property are attached hereto as Exhibit C. A copy of this Amended Petition has been mailed to Aqua Texas Inc. via certified mail.

## III. CONCLUSION AND PRAYER

Texas Water Code Section 13.254(a-5) entitles Petitioner to expedited release of the Property described herein. The Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Harris County. Under Section 13.254(a-6), the PUC should grant this Amended Petition no later than the 60<sup>th</sup> day after the date of filing. Petitioner respectfully requests that the PUC grant this Amended Petition and issue an order under the authority of Section 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  
State Bar No. 24002863  
[erogers@bickerstaff.com](mailto:erogers@bickerstaff.com)

Bickerstaff Heath Delgado Acosta LLP  
3711 S. MoPac Expressway  
Building One, Suite 300  
Austin, TX 78746  
Telephone: (512) 472-8021  
Facsimile: (512) 320-5638

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

**CERTIFICATE OF SERVICE**

I hereby certify by my signature below that on the 18<sup>th</sup> day of September, 2019, 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., 1106 Clayton Ln., Suite 400W, Austin, TX., 78723-2476.

  
\_\_\_\_\_  
Emily W. Rogers

**PUC DOCKET NO. 49904**

<b>PETITION BY REPUBLIC BUSINESS</b>	<b>§</b>	<b>BEFORE THE</b>
<b>CENTER, LLC FOR EXPEDITED</b>	<b>§</b>	
<b>RELEASE FROM WATER CCN NO.</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>13203 AND SEWER CCN NO. 21065</b>	<b>§</b>	
<b>HELD BY AQUA TEXAS INC.</b>	<b>§</b>	<b>OF TEXAS</b>

**AFFIDAVIT FOR AMENDED PETITION  
BY REPUBLIC BUSINESS CENTER, LLC FOR EXPEDITED RELEASE  
PURSUANT TO TEXAS WATER CODE SECTION 13.254(A-5)**

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

BEFORE ME, the undersigned notary, personally appeared Ryan T. Lovell, the affiant, a person who is known to me. After administering an oath, the affiant testified that:

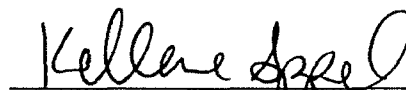
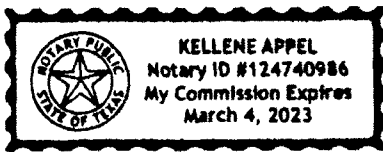
1.     “My name is Ryan T. Lovell. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.
2.     I am the Vice President of Real Estate for Republic Business Center LLC, the Petitioner in the above-captioned matter. Republic Business Center LLC owns approximately 156.0249 acres of land, a portion of which appears to be located within the boundaries of water Certificate of Convenience and Necessity No. 13203 and sewer Certificate of Convenience and Necessity No. 21065 issued to Aqua Texas Inc. This property is located in Harris County, Texas. Exhibit B attached to this Petition is a true and correct copy of a map identifying the property, its location, and the area of the CCNs. Exhibit C attached to this Petition is a true and correct copy of all deeds demonstrating ownership of the tract.
3.     The property in question is not receiving water or sewer service from Aqua Texas Inc. or any other water or sewer service provider. The property has not requested water or sewer service from Aqua Texas Inc. or paid any fees or charges to initiate or maintain water or sewer service, and there are no billing records or other documents indicating an existing account for the property.
4.     I request that the Public Utility Commission on Texas release this property from water CCN No. 13203 and sewer CCN No. 21065.”

FURTHER AFFIANT SAYETH NOT.



Ryan T. Lovell

SWORN AND SUBSCRIBED TO BEFORE ME by Ryan T. Lovell on  
September 18, 2019.

  
Notary Public State of Texas