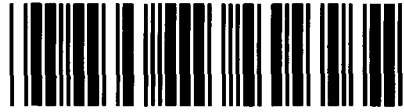




Control Number: 49904



Item Number: 8

Addendum StartPage: 0

PETITION OF REPUBLIC BUSINESS §  
CENTER LLC TO AMEND AQUA §  
TEXAS, INC.'S CERTIFICATES OF §  
CONVENIENCE AND NECESSITY IN §  
HARRIS COUNTY BY EXPEDITED §  
RELEASE §

PUBLIC UTILITY COMMISSION

2019 OCT 11 PM 1:34

PUBLIC UTILITY COMMISSION  
OF TEXAS FILING CLERK

**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. 2, and files this Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

**I. BACKGROUND**

On August 27, 2018, Republic Business Center LLC (Republic) filed a petition for streamlined expedited release from the Aqua Texas, Inc.'s water and sewer certificate of convenience and necessity (CCN) in Harris County. Republic seeks the expedited release of approximately 156 acres of land within the boundaries of Aqua Texas' water CCN number 13203 and sewer CCN number 21605. Republic asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Harris County, which is a qualifying county.

The petition was first filed in this matter on August 27, 2019, with clarifying supplements filed by the applicant on September 16, 17, and 18, 2019. On September 19, 2019, Commission Staff filed a request for extension in the application.

On September 20, 2019, Order No. 2 was issued granting the extension and establishing a deadline of October 11, 2019, 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**

As detailed in the attached memorandum from Nabaraj Pokharel, in the Commission's Infrastructure Division, Staff has reviewed the petition for expedited release and recommends that it be found administratively complete.

### **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.

Republic states in its filing that it mailed a copy of its petition to the CCN holder, Aqua Texas, Inc, by certified mail on the day the petition was filed with the Commission. Republic also included an affidavit attesting to this provision of notice to Aqua Texas, Inc. Accordingly, Staff recommends that the notice issued be found sufficient.

### **IV. REQUEST FOR CLARIFICATION**

Staff notes that the Aqua Texas Inc.'s Water CCN No. in the first paragraph of the amended petition is listed as CCN No. 13202 whereas Aqua Texas Inc.'s Water CCN No. listed elsewhere throughout the petition is 13203. Staff requests that the Administrative Law Judge order Republic to clarify the Water CCN No. from which it is requesting streamlined expedited release by October 24, 2019.

## V. PROCEDURAL SCHEDULE

In accordance with Staff’s administrative completeness recommendation, Staff proposes that the below procedural schedule be used. 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 Aqua Texas, Inc 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 Texas, Inc and/or intervenors to file a response
Deadline for Republic to file a reply to both Aqua Texas, Inc’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.

**I. CONCLUSION**

For the reasons detailed above, Staff respectfully requests that an order be issued that (1) requires Republic to clarify the Water CCN No. from which it is requested streamlined expedited release (2) finds Republic's application to be administratively complete and its notice sufficient and (3) adopts the above proposed procedural schedule.


Dated: October 11, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Rachelle N. Robles  
Managing Attorney

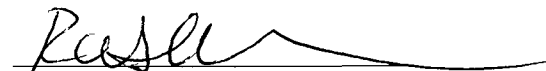


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**DOCKET NO. 49904**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 11, 2019, in accordance with 16 TAC § 22.74.

  
Rashmin J. Asher

## PUC Interoffice Memorandum

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**To:** Rashmin Asher, Attorney  
Legal Division

**Thru:** Heidi Graham, Manager  
Infrastructure Division

**From:** Nabaraj Pokharel, Engineering Specialist  
Infrastructure Division

**Date:** October 11, 2019

**Subject:** Docket No. 49904: Petition of Republic Business Center LLC to amend Aqua Texas, Inc.'s Certificates of Convenience and Necessity in Harris County by Expedited Release

On August 27, 2019, Republic Business Center LLC (Republic or Petitioner) filed an application for expedited release from Aqua Texas, Inc.'s water Certificate of Convenience and Necessity (CCN) No. 13203 and Sewer CCN No. 21065 in Harris County, under Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code § 24.245(1). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Harris County which is a qualifying county.

Initially, the petition and affidavit both included a request to be released from the incorrect sewer CCN number for Aqua Texas Inc. On September 18, 2019, Petitioner filed an amended petition with the correct sewer CCN No 21065. 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 Texas Inc's certificated area. Mapping Staff was able to confirm the acreage of the subject properties 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 the CCN holder. The total property owned by Petitioner is approximately 156 acres and the area being requested for expedited release is approximately 14 acres.

The petition also included a statement with affidavit that copy of notice has been sent via certified mail to Aqua Texas, Inc., the current holder of water CCN No. 13203, and sewer CCN No 21065 on the date the petition was filed with the Commission.

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