

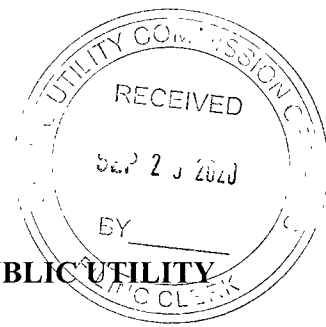


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DOCKET NO. 50388

APPLICATION OF SJWTX, INC. DBA	§	BEFORE THE PUBLIC UTILITY
CANYON LAKE WATER SERVICE	§	
COMPANY, AQUA TEXAS, INC. AND	§	COMMISSION OF TEXAS
AQUA DEVELOPMENT, INC. FOR	§	
APPROVAL OF A SERVICE AREA	§	
CONTRACT UNDER TEXAS WATER	§	
CODE § 13.248 AND TO AMEND	§	
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY IN COMAL COUNTY	§	

JOINT MOTION TO REOPEN RECORD AND CORRECT NOTICE OF APPROVAL

COME NOW SJWTX, Inc. d/b/a Canyon Lake Water Service Company (“CLWSC”), Aqua Development, Inc. (“Aqua”), and Aqua Texas, Inc. (“Aqua”), together with Commission Staff (collectively, the “Parties”), and file this Joint Motion to Reopen Record and Correct Notice of Approval in response to the Notice of Approval issued in this matter on September 16, 2020. In support, the Parties would show as follows.

I. BACKGROUND

The Honorable Administrative Law Judge’s (ALJ) Notice of Approval in this matter approved through informal disposition new tariffs for Aqua Texas, Inc. and CLWSC.¹ The Parties have learned that the water tariff approved for Aqua Texas, Inc. contains an error that requires correction.²

In Docket No. 48197, Aqua received approval to apply federal tax change credit rider (FTCCR) rates to all customer bills in Aqua’s various rate regions.³ The approved FTCCR rates vary according to region and type of service (*e.g.* water or sewer). In Aqua’s North Region, the

¹ Notice of Approval at Ordering Paragraph No. 4 (Sep. 16, 2020).

² The Parties take no issue with the new Aqua Texas, Inc. sewer tariff or revised tariffs for CLWSC.

³ *Application of Aqua Texas, Inc., Aqua Utilities, Inc., and Aqua Development, Inc. dba Aqua Texas for a Minor Tariff Change (Federal Tax Cut Credit Rider)*, Docket No. 48197, Order (Apr. 4, 2019) and Water Utility Tariff (Apr. 9, 2019).

approved water rates include a credit of 7.23% effective May 1, 2018 that changed to 5.20% effective January 1, 2019.⁴ In contrast, for Aqua's Southwest Region, the approved water rates include a credit of 7.33% effective May 1, 2018 that changed to 5.26% effective January 1, 2019.⁵ Thus, the FTCCR credit is slightly greater in Aqua's Southwest Region and that is the credit Aqua has applied to its Southwest Region water customers, including its Brushy Bend Park water system customers.

It has come to Aqua's attention that at some point, at least as early as Docket No. 48769, Commission Staff prepared a tariff that inadvertently applied the North Region's FTCCR water rates instead of the Southwest Region's FTCCR rates to a rate schedule applicable only to Aqua Texas, Inc.'s Brushy Bend Park water system located in Williamson County.⁶ Unfortunately, Aqua did not catch the error before consenting to the tariff, and it has carried through to the tariff approved in this docket. Aqua would like the correct Brushy Bend Park water system FTCCR rates as approved in Docket No. 48197 reflected on the Aqua Texas, Inc. Southwest Region water utility tariff that results from this docket. Commission Staff concurs that this correction is appropriate.

II. MOTION TO REOPEN RECORD AND CORRECT NOTICE OF APPROVAL

To resolve the issue described above, the Parties respectfully request that the Honorable ALJ reopen the record and correct the September 16, 2020 Notice of Approval pursuant to 16

⁴ *Id*

⁵ *Id*

⁶ Compare Application of Aqua Utilities, Inc. Aqua Development, Inc., and Aqua Texas, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Bandera, Bastrop, Bexar, Blanco, Burnet, Comal, Gillespie, Hays, Kendall, Kerr, Kimble, Live Oak, Llano, Medina, Nueces, Travis, Williamson, and Wilson Counties, Docket No. 48769, Notice of Approval, Aqua Texas, Inc. (Southwest Region) Water Utility Tariff at 95 of 187 (Jul. 21, 2020), with Application of Aqua Texas, Inc., Aqua Utilities, Inc., and Aqua Development, Inc. dba Aqua Texas for a Minor Tariff Change (Federal Tax Cut Credit Rider), Tariff Control No. 48197, Water Utility Tariff for Southwest Region – Brushy Bend Park at 185 – 204 (April 9, 2019)

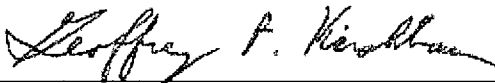
Texas Administrative Code (TAC) § 22.35(c) with the tariff filed by Commission Staff. This tariff should then be approved in place of the Aqua Texas, Inc. Southwest Region (CCN No. 13254) water utility tariff previously filed through a corrected notice of approval. The other approved tariffs are fine. Commission rules permit requests for corrections to notice of approvals issued through the Commission's informal disposition process within 15 days of the issuance of such notice.⁷ Therefore, this motion is timely filed.

III. CONCLUSION AND PRAYER

The Parties respectfully request the Honorable Administrative Law Judge: (1) reopen the record to allow Commission Staff to prepare and file the replacement tariff required to resolve this matter; and (2) correct the September 16, 2020 Notice of Approval issued in this matter as described herein.

⁷ 16 TAC § 22.35(c)(1).

Respectfully submitted,

By: 

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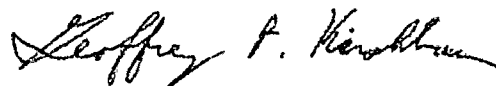
By: /s/ Will C. Jones IV

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COMPANY**

CERTIFICATE OF SERVICE

I hereby CERTIFY that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on September 25, 2020 in accordance with the Orders Suspending Rules issued in Project No. 50664.



Geoffrey P. Kirshbaum