



Control Number: 50405



Item Number: 10

Addendum StartPage: 0



**DOCKET NO. 50405**

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

**PUBLIC UTILITY COMMISSION**

**OF TEXAS**

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS AND PROPOSED PROCEDURAL SCHEDULE**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this supplemental recommendation. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff would show the following:

**I. BACKGROUND**

On January 2, 2020, The Sanctuary Texas, LLC (Petitioner) filed a petition for expedited release from Aqua Texas, Inc.'s water certificate of convenience and necessity (CCN) No. 13201 in Denton County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(l). The Petitioner asserts that the tract of land is at least 25 acres, is not receiving water service, and is located in Denton County, which is a qualifying county. Petitioner filed supplemental information on February 10, 2020.

On February 7, 2020, the Administrative Law Judge (ALJ) issued Order No. 2, establishing a deadline of March 19, 2020, for Staff to file a supplemental recommendation on administrative completeness of the petition, along with a proposed procedural schedule, if appropriate. This pleading, therefore, is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum from Greg Charles in the Commission's Infrastructure Division, Staff has reviewed petition for expedited release and supplemental information filed by the Petitioner and recommends that it be found administratively complete.

Further, Staff recommends that the amended petition filed February 10, 2020, demonstrates that The Sanctuary Texas, LLC owns the tract of land in question. Therein, the managing member

of The Sanctuary Texas, LLC swore in an affidavit that the Petitioner owns the tract of land in question. However, Staff notes that in Exhibit C-1 of the amended petition, Petitioner states that The Sanctuary Texas, LLC granted the property to a trustee, Daniel W. Brooks. Before the final recommendation on the application is made, Staff would recommend Petitioner file an affidavit signed by Mr. Brooks stating that he concurs with the present petition.

### III. NOTICE

Under 16 TAC § 24.245(I)(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.

Petitioner 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. The CCN holder filed a motion to intervene on January 31, 2020. Accordingly, Staff recommends that the notice issued be found sufficient.

### IV. PROCEDURAL SCHEDULE

In accordance with Staff’s administrative completeness recommendation, Staff proposes that the below procedural schedule be used. Under TWC § 13.2541(c) and 16 TAC § 24.8(d), there is an expedited statutory deadline of 60 days for approval that begins once the ALJ issues an order finding a petition 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 Petitioner to file a reply to both Aqua Texas Inc.’s response and Commission Staff’s recommendation on final disposition	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

## **V. MOTION TO REQUIRE ELECTRONIC SERVICE**

Pursuant to 16 Texas Administrative Code (TAC) § 22.74(c), the presiding officer may require service by email on motion of a party. On March 16, 2020, the Commission issued an Order Suspending Rules in Docket No. 50664, Issues Related to the State Disaster for the Coronavirus Disease 2019. The Order stated in relevant part: “all parties must file any pleading or document with the Commission solely through the Interchange on the Commission's website and provide notice, by email, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer.”

Accordingly, Staff requests that the Commission Administrative Law Judge issue an order requiring service by electronic mail in this docket. Staff further requests that the Order direct any party to this proceeding who has not previously provided an email address to file a notice informing the parties of the email address to be used for service.

## **VI. CONCLUSION**

Staff respectfully requests the issuance of an order consistent with the foregoing recommendation and motion.

Dated: March 19, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Heath D. Armstrong  
Managing Attorney

/s/ Creighton R. McMurray

---

Creighton R. McMurray  
State Bar No. 24109536  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7275  
(512) 936-7268 (facsimile)  
creighton.mcmurray@puc.texas.gov

**DOCKET NO. 50405**

**CERTIFICATE OF SERVICE**

I 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 this the 19<sup>th</sup> of March 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Creighton R. McMurray

---

Creighton R. McMurray

## PUC Interoffice Memorandum

---

**To:** Creighton McMurray, Attorney  
Legal Division

**From:** Greg Charles, Engineer  
Infrastructure Division

**Date:** March 19, 2020

**Subject:** **Docket No. 50405:** *Petition of The Sanctuary Texas, LLC to Amend Aqua Texas Inc.'s Water Certificate of Convenience and Necessity in Denton County by Expedited Release*

On January 2, 2020, The Sanctuary Texas, LLC (Petitioner) filed an application for expedited release from Aqua Texas, Inc.'s (Aqua) water Certificate of Convenience and Necessity (CCN) No. 13201 in Denton County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(l). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

On February 10, 2020, the Petitioner filed an amended petition for expedited release. The Petitioner submitted a sworn affidavit attesting that the property was not receiving water from Aqua and a deed of trust confirming the Petitioner's ownership of the tract of land. In addition, the Petitioner submitted sufficient maps and digital data for determining the location of the requested release area within Aqua's certificated service area. Mapping Staff was able to confirm the tract of land is approximately 59 acres.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Aqua on the date the petition was filed with the Commission.

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