

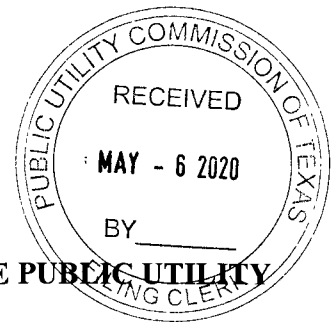


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DOCKET NO. 50405

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

**§ BEFORE THE PUBLIC UTILITY
§
§ COMMISSION OF TEXAS
§
§
§**

**AQUA TEXAS' RESPONSE TO PETITIONER'S MOTION
FOR ORDER OF SUBSTANTIAL COMPLETENESS**

Aqua Texas, Inc. (Aqua) files this Response to The Sanctuary Texas, LLC's (Petitioner) Motion for Order of Substantial Completeness (Motion). In support, Aqua would show as follows.

1. Aqua is compelled to respond to Petitioners' Motion to highlight the fact that whether Petitioner has substantially complied with Order No. 4 is irrelevant to this proceeding. The current question at this phase is whether the Petition is administratively complete.

2. Aqua submits the Petition cannot be found administratively complete because the Petitioner is not the owner of the subject tract according to applicable law.¹ The property was granted to a trustee, Mr. Daniel W. Brooks, or his trust, neither of whom filed the Petition. Now, it seems Petitioner would also like the Commission to accept a different consent signatory than Mr. Brooks as directed in Order No. 4.

3. Petitioner offers no legal basis for the requested substitution and the Commission should reject Petitioner's request. But whether the substituted consent is found acceptable or not, the Petition remains defective because it was not filed by the owner evidenced by documentation required by applicable legal requirements.²

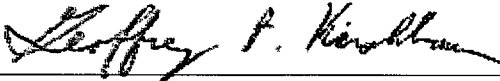
¹ TWC §§ 13.002(1-a) and 13.2541(b); 16 TAC §§ 24.3(33) and 24.245(1)(4)(A)(v).

² *Id*; see also Aqua Texas' Reply to The Sanctuary Texas, LLC's Response to Aqua Texas' Motion to Intervene, Initial Comments, and Request for Response Deadline, at 2 (Feb. 18. 2020).

CONCLUSION AND PRAYER

Aqua respectfully requests the presiding Honorable Administrative Law Judge issue an order that concludes the Petition is not administratively complete and rejects it for filing.

Respectfully submitted,

By: 

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ATTORNEY FOR AQUA TEXAS, INC.

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 May 6, 2020 in accordance with the Order Suspending Rules issued in Project No. 50664.



Geoffrey P. Kirshbaum