



Control Number: 50405



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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**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**



**COMMISSION STAFF'S RESPONSE TO ORDER NO. 6**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this response. In support thereof, Staff would show the following:

**I. BACKGROUND**

On January 2, 2020, The Sanctuary Texas, LLC (Sanctuary) filed a petition for streamlined 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(h). Sanctuary 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. Sanctuary filed supplemental information on February 10, April 29, and May 8, 2020. On January 31, 2020, Aqua filed a motion to intervene, which was granted on February 20, 2020. On July 24, 2020, Staff filed its recommendation on final disposition, recommending that the petition be denied.

On August 19, 2020, Order No. 6 was issued, requesting clarification as to the size of the portion of the 70.146-acre tract under consideration for expedited release by August 28, 2020. This pleading, therefore, is timely filed.

**II. CLARIFICATION**

After review of Sanctuary's response to Order No. 6, filed on August 20, 2020, Staff respectfully disagrees. The tract in question is accurately described as 70.146 acres. However, the portion of the tract that is within Aqua's certificated area is only 59 acres. The remaining approximately 11 acres are in an uncertificated area and, therefore, do not require release.

Staff has appended a map of the tract in question to this pleading to illustrate this distinction. On that map, the left-most polygon, outlined in pink, represents the approximately 11

acres in an uncertificated area. The central polygon, delineated by both a pink outline and a blocky red outline, represents the remaining 59 acres. That 59 acres is within Aqua's CCN boundary, delineated by the light blue-striped polygon.

### **III. CONCLUSION**

Staff respectfully submits the foregoing response.

Dated: August 27, 2020

Respectfully submitted,

#### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

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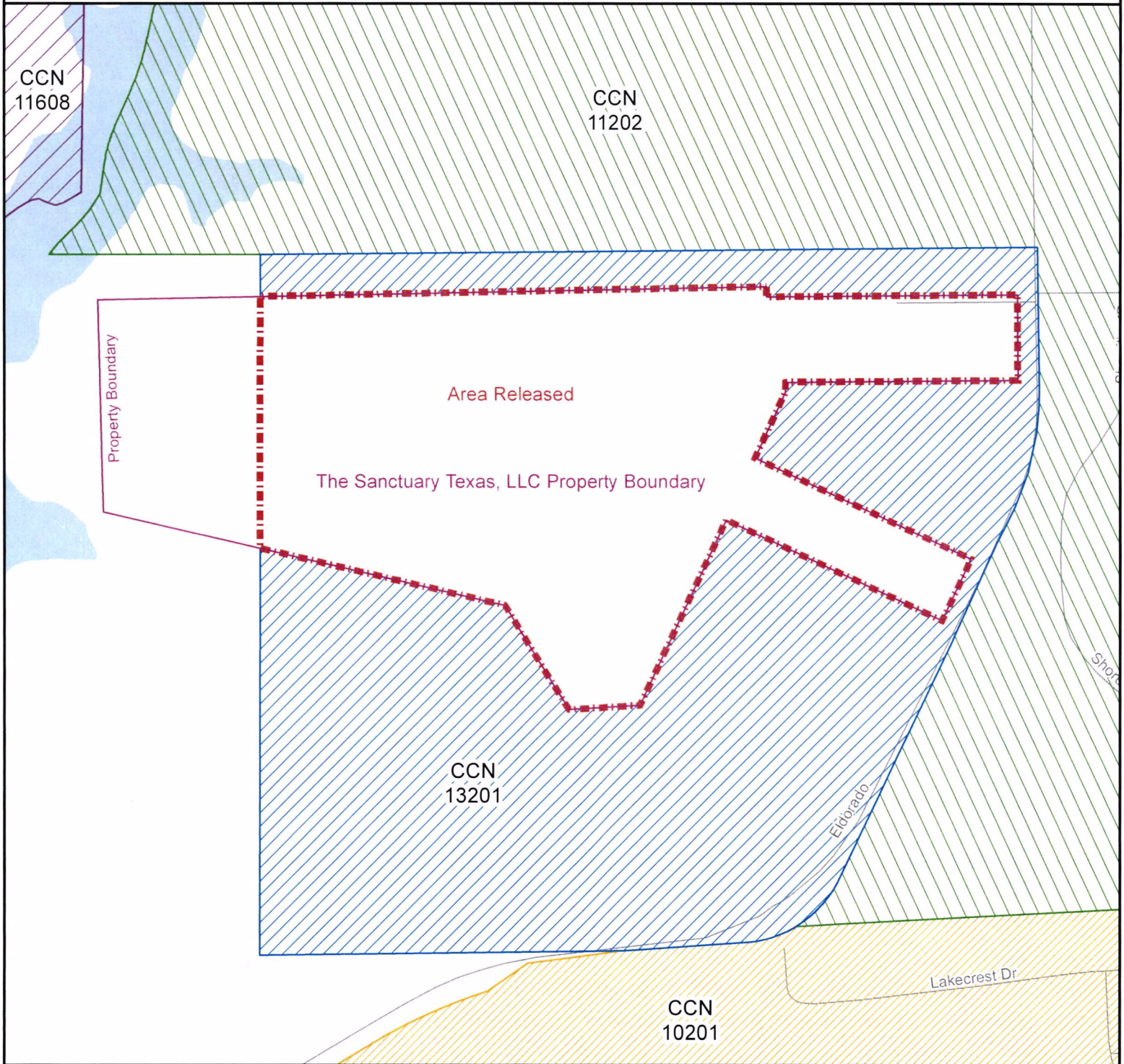
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**CERTIFICATE OF SERVICE**

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 August 27, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Creighton R. McMurray  
Creighton R. McMurray


Aqua Texas, Inc.  
Portion of Water CCN No. 13201  
PUC Docket No. 50405  
Petition by The Sanctuary Texas, LLC to Amend  
Aqua Texas, Inc.'s CCN by Expedited Release in Denton County



Public Utility Commission of Texas  
1701 N. Congress Ave  
Austin, TX 78701

**Water CCN**

-  13201 - Aqua Texas Inc
-  11608 - Terra Southwest Inc
-  11202 - Town of Little Elm
-  10201 - City of Lakewood Village

-  Area Released
-  Property Boundary

0 250 500  
Feet



Map by: Komal Patel  
Date created: June 23, 2020  
Project Path: n:\finalmapping\  
50405AquaTx.mxd