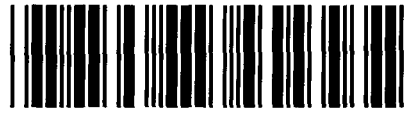




Control Number: 50405



Item Number: 8

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**

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**BEFORE THE PUBLIC UTILITY
COMMISSION OF TEXAS**

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FILING CLERK

**AQUA TEXAS' REPLY TO PETITIONER'S RESPONSE TO AQUA TEXAS'
MOTION TO INTERVENE, INITIAL COMMENTS,
AND REQUEST FOR RESPONSE DEADLINE**

Aqua Texas, Inc. (Aqua) files this Reply to The Sanctuary Texas, LLC's Response to Aqua Texas' Motion to Intervene, Initial Comments, and Request for Response Deadline in relation to The Sanctuary Texas, LLC's (Petitioner) Petition for an Expedited Release that initiated this docket.¹ In support, Aqua would show as follows.

1. Despite the arguments and information included in Petitioner's First Amended Petition (Petition) filed February 10, 2020 and Petitioner's Response filed February 12, 2020, Aqua maintains that the subject property is receiving water service from Aqua as "service" is defined in the Texas Water Code (TWC) by virtue of Aqua's nearby facilities.² But Aqua also believes it has facilities and possibly even an active water meter/account within the tract sought for streamlined expedited release. Both would warrant denial of the Petition. As of February 10, 2020, Petitioner has filed a legible property description in this docket, but Petitioner has not seen fit to include a map showing where the subject area is within Aqua's CCN. Thus, Aqua will need more time to review the issue independently before a substantive response is due and reiterates its

¹ For purposes of this proceeding, the Petition is considered the Application as defined in the Commission's Procedural Rules under 16 TAC § 22.2(6).

² TWC § 13.002(21).

request for a 30-day substantive Petition response deadline. Seven days as Petitioner suggests is insufficient.

2. But a substantive Petition response should only be required from Aqua if the Commission accepts the Petition as administratively complete. According to the amended Petition, Petitioner is not an eligible landowner petitioner for a streamlined expedited release (SER) under TWC § 13.2541. The Petitioner must be “the owner of a tract of land” sought for SER.³ The TWC defines that terms as “multiple owners of a single deeded tract of land as shown on the appraisal roll of the appraisal district established for each county in which the property is located.”⁴ The Commission rules elaborate on that concept and provide that a “landowner” is an “owner or owners of a tract of land” including “multiple owners of a single deeded tract of land” per county appraisal records.⁵ In fact, the Commission rules require “copies of all *deeds* demonstrating *ownership of the tract of land by the landowner.*”⁶

3. Here, according to Schedule A of the title policy filed with the amended Petition, it appears The Sanctuary Texas, LLC may have been a property owner for the subject tract on August 7, 2019.⁷ However, the Deed of Trust filed with the Petition shows Petitioner conveyed the property to another owner as of August 27, 2019.⁸ Therefore, Petitioner has filed no deed or appraisal records showing it was the property owner when the amended Petition was filed on February 10, 2020. Consequently, the Commission should reject the Petition.

4. Finally, Aqua disagrees with Petitioner’s view on required compensation if the area is decertified. “Just and adequate compensation” is required by TWC § 13.254(d) and 13.2541(a),

³ TWC § 13.2541(b).

⁴ TWC § 13.002(1-a).

⁵ 16 TAC § 24.3(33).

⁶ 16 TAC § 24.245(1)(4)(A)(v).

⁷ First Amended Petition, at Exhibit C-2 (Feb. 10, 2020).

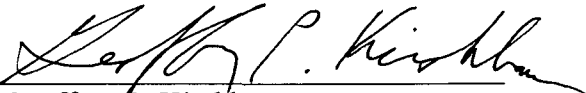
⁸ First Amended Petition, at Exhibit C-1 (Feb. 10, 2020).

(f)-(j). Aqua expects the Commission will address this issue as appropriate at the proper time in this proceeding if the Petition is accepted and approved.

CONCLUSION AND PRAYER

Aqua respectfully requests the presiding Honorable Administrative Law Judge issue an order that grants Aqua's Motion to Intervene and either: (1) identifies deficiencies in the Petition, concludes that it is not administratively complete, and rejects it for filing; or (2) sets a 30-day deadline for Aqua's Petition response if the Petition is found administratively complete.

Respectfully submitted,

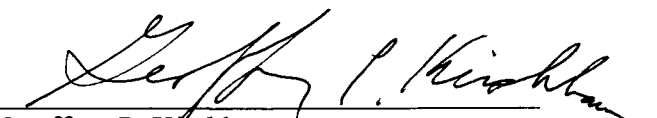
By: 

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ATTORNEY FOR AQUA TEXAS, INC.

CERTIFICATE OF SERVICE

I hereby CERTIFY that on February 18, 2020, a true and complete copy of the above was sent to the parties of record in accordance with P.U.C. PROC. R. 22.74.


Geoffrey P. Kirshbaum