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APPLICATION OF SP UTILITY §  
COMPANY, INC. TO AMEND ITS §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY AND FOR DUAL §  
CERTIFICATION WITH DREW T. §  
SPENCER DBA CYPRESSWOOD §  
ESTATES IN MONTGOMERY §  
COUNTY §

BEFORE THE  
PUBLIC UTILITY COMMISSION  
OF TEXAS

**SAN JACINTO RIVER AUTHORITY'S RESPONSE TO PUBLIC UTILITY  
COMMISSION'S REQUEST FOR CLARIFICATION**

COMES NOW, the San Jacinto River Authority (SJRA) and files this Response to the Public Utility Commission's Request for Clarification (Response). On December 9, 2020, the Public Utility Commission issued Order 9, requesting that SJRA clarify whether it is a retail public utility as defined in Texas Water Code § 13.002(19) before December 16, 2020.<sup>1</sup> Therefore, this Response is timely filed.

SJRA is a governmental agency of the State of Texas created and operating under the provisions of Chapter 245, Acts of the 45<sup>th</sup> Texas Legislature, Regular Session, 1937, as amended (compiled as Vernon's Annotated Texas Civil Statutes, Article 8280-121), enacted pursuant to the provisions of Section 59 of Article XVI of the Texas Constitution.<sup>2</sup> SJRA is thus a political subdivision of the State of Texas and, as described further below, it provides potable water supplies consistent with the statutory definition for both a "retail public utility" and also "wholesale water or sewer service."

Per Texas Water Code (TWC) § 13.002(19), a "retail public utility" means "any person, corporation, public utility, water supply or sewer service corporation, municipality, political subdivision or agency operating, maintaining, or controlling in this state facilities for providing

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<sup>1</sup> *Application of SP Utility Company, Inc. to Amend its Certificate of Convenience and Necessity and for Dual Certification with Drew T. Spencer DBA Cypresswood Estates in Montgomery County*, Docket No. 50543, Order 9 (Dec. 9, 2020).

<sup>2</sup> Act of 1937, 45<sup>th</sup> Leg., R.S., Ch. 426, § 12, 1937 Tex. Gen. Laws 861.

potable water service or sewer service, or both, for compensation.”<sup>3</sup> SJRA is a retail public utility under TWC § 13.002(19) because SJRA sells potable water for purposes outlined therein.

In addition, TWC § 13.002(25) defines “wholesale water or sewer service” as “potable water or sewer service, or both, provided to a person, political subdivision, or municipality who is not the ultimate consumer of the service.”<sup>4</sup> SJRA provides wholesale water supply and treatment services, and thus meets the statutory definition of wholesale service provider.

Accordingly, SJRA is a retail public utility and it provides wholesale water or sewer service pursuant to applicable statutory definitions.

Respectfully submitted,

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<sup>3</sup> Tex. Water Code § 13.002(19).

<sup>4</sup> Tex. Water Code § 13.002(25)

### **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 December 15, 2020, in accordance with the Order Suspending Rules, issued in Docket No. 50543.

A handwritten signature in black ink, appearing to read "Nathan E. Vassar". The signature is fluid and cursive, with the first name "Nathan" and last name "Vassar" being clearly legible.

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NATHAN E. VASSAR