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**DOCKET NO. 51114**

**PETITION OF IMPERIAL HEIGHTS,  
LTD. TO AMEND AQUA TEXAS,  
INC.'S CERTIFICATES OF  
CONVENIENCE AND NECESSITY IN  
HARRIS COUNTY BY EXPEDITED  
RELEASE**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

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

**COMES NOW** the (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 1, files this Recommendation on Administrative Completeness and Procedural Schedule. Staff recommends that the petition be deemed administratively complete and proposes the following procedural schedule. In support thereof, Staff shows the following:

**I. BACKGROUND**

On July 24, 2020, Imperial Heights, Ltd. (Imperial Heights) filed a petition for streamlined expedited release of a 37.8-acre tract of land within the boundaries of Aqua Texas Inc.'s (Aqua Texas) water Certificate of Convenience Number (CCN) 13203 and sewer CCN No. 21065, in Harris County, under Texas Water Code § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Imperial Heights asserts that the tract of land is at least 25 acres, is not receiving water or sewer service, and is in Harris County, which is a qualifying county.

On July 27, 2020, the Administrative Law Judge (ALJ) issued Order No. 1, requiring Staff to file comments on the administrative completeness of the petition, along with a proposed procedural schedule, by August 24, 2020. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition filed by Imperial Heights and, as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that it be found administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition, but only that the petition is complete for further processing.

### **III. NOTICE SUFFICIENCY**

Under 16 TAC § 24.245(h)(3)(F), 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. Imperial Heights states in its filing that it mailed a copy of its petition to the CCN holder, Aqua Texas, by certified mail on the day the petition was filed with the Commission. Imperial Heights also included an affidavit attesting to this provision of notice to Aqua Texas. Accordingly, Staff recommends that the notice issued be found sufficient.

### **IV. PROCEDURAL SCHEDULE**

In accordance with Staff's administrative completeness recommendation, Staff proposes the following procedural schedule. Under TWC § 13.2541(c) and 16 TAC § 24.245(h)(7), 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.

<b>Event</b>	<b>Date</b>
Deadline for Imperial Heights and/or intervenors to file a response to the administratively complete petition	September 9, 2020
Deadline for Commission Staff's recommendation on final disposition	September 16, 2020
Deadline for Aqua Texas to file a reply to both Imperial Heights's response and Commission Staff's recommendation on final disposition <sup>1</sup>	September 30, 2020
Sixty-day administrative approval of streamlined expedited release	Within 60 days of ALJ's order finding petition administratively complete

### **V. CONCLUSION**

For the reasons detailed above, Staff respectfully requests that an order be issued that (1) finds Imperial Heights's petition to be administratively complete and its notice sufficient and (2) adopts the above proposed procedural schedule.

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<sup>1</sup> Staff notes that such a reply must be limited to briefing and argument. Submission of any additional proof will be deemed a new petition.

Dated: August 24, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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/s/ Megan Chalifoux

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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 24, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Megan Chalifoux

Megan Chalifoux

## PUC Interoffice Memorandum

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**To:** Megan Chalifoux, Attorney  
Legal Division

**From:** Patricia Garcia, Senior Engineering Specialist  
Infrastructure Division

**Date:** August 24, 2020

**Subject:** **Docket No. 51114:** *Petition of Imperial Heights, Ltd. to Amend Aqua Texas, Inc. 's Certificates of Convenience and Necessity in Harris County by Expedited Release*

On July 24, 2020, Imperial Heights, Ltd. (Imperial Heights or Petitioner) filed a petition for expedited release from Aqua Texas Inc.'s (Aqua Texas) water Certificate of Convenience and Necessity (CCN) No. 13203 and sewer CCN No. 21065 in Harris County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Harris County, which is a qualifying county.

The Petitioner submitted a sworn affidavit attesting that the property is not receiving water or sewer service from Aqua Texas and a warranty deed 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 Texas's certificated service area. Mapping Staff was able to confirm the total property is approximately 37.8 acres. The requested area to be released from CCN Nos. 13203 and 21065 is approximately 36.4 acres.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Aqua Texas 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.