



Control Number: 51114



Item Number: 7

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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 FINAL DISPOSITION**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 4, files this Recommendation on Final Disposition. Staff recommends that the petition be approved. 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 36.4-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 August 21, 2020, Aqua Texas filed a motion to intervene in this proceeding. On August 31, 2020, Order No. 2 was issued, granting the motion to intervene. Order No. 2 also found the petition administratively complete and established a deadline of September 25, 2020 for Staff to file its recommendation on final disposition. Therefore, this pleading is timely filed.

**II. STATUTORY APPROVAL DEADLINE**

Under TWC § 13.2541(c), the Commission shall grant the petition for streamlined expedited release not later than the 60th day after the date the landowner files the petition. A petition is not considered filed until it is deemed administratively complete.<sup>1</sup> Imperial Heights's

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<sup>1</sup> 16 TAC § 24.8(d) states that applications under subchapter H of chapter 24 are not considered filed until the commission makes a determination that the application is administratively complete, which includes streamlined expedited releases under 16 TAC § 24.245(h).

petition was deemed administratively complete in Order No. 2, issued August 31, 2020. Therefore, the 60-day deadline for administrative approval is October 30, 2020.

### **III. FINAL RECOMMENDATION**

As supported by the attached memorandum from Patricia Garcia, Infrastructure Division, Staff recommends that the petition be approved. Staff recommends that Imperial Heights's petition satisfies the requirements of TWC § 13.2541(b) and 16 TAC § 24.245(h). Specifically, the petition demonstrates that the property which Imperial Heights seeks streamlined expedited release is located in a qualifying county (Harris County), is at least 25 acres in size, is not receiving water or sewer service, and is at least partially located in the Aqua Texas's water and sewer-certificated service area. In addition, Imperial Heights has provided deeds confirming its ownership of the property.

Accordingly, Staff recommends that Imperial Heights's petition for streamlined expedited release be approved. The final water and sewer CCN maps are attached to this filing. Staff additionally recommends that the final maps and certificate be provided to Aqua Texas and that Aqua Texas file a certified copy of the CCN maps and a boundary description of the CCN service areas in the Harris County Clerk's office, as required under TWC § 13.257(r)-(s).

### **IV. CONCLUSION**

Staff respectfully requests that Imperial Heights's petition be approved and that an order be issued consistent with the foregoing recommendations.

Dated: September 25, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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Division Director

Heath Armstrong  
Managing Attorney

/s/ Megan Chalifoux  
Megan Chalifoux  
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**DOCKET NO. 51114**

**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 September 25, 2020 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Megan Chalifoux  
Megan Chalifoux

# *Public Utility Commission of Texas*

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## **Memorandum**

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

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

**DATE:** September 25, 2020

**RE:** 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.

On August 21, 2020, Aqua Texas requested to intervene. On August 31, 2020, the Administrative Law Judge granted Aqua Texas's motion to intervene. Aqua Texas has an 8" water line and a 4" sewer force main that run through the outer edges of the area being requested for expedited release. The water line and sewer force main are inside the property requested for expedited release but do not appear to be serving the area only running through it.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), the Petitioners have met the Commission's requirements to allow for the release of the requested area from Aqua Texas's CCN Nos. 13203 and 21065. Therefore, Staff recommends approval of the petition. Enclosed is a final map and certificate for Commission approval.

Additionally, Staff recommends that a final map and certificate be provided to the CCN holder. Pursuant to TWC §§ 13.257 (r)-(s), Staff further recommends that Aqua Texas file the following information in the Harris County Clerk's office: (1) a certified copy of the CCN map; (2) a certified copy of the amended certificate; and (3) a boundary description of the CCN service area.



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Aqua Texas, Inc.**

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Aqua Texas, Inc. is entitled to this

### **Certificate of Convenience and Necessity No. 13203**

to provide continuous and adequate water utility service to that service area or those service areas in Brazoria, Chambers, Fort Bend, Grimes, Harris, Jefferson, Liberty, Montgomery, Polk, San Jacinto, Trinity, and Wharton Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51114 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Aqua Texas, Inc. to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

**Aqua Texas, Inc.**

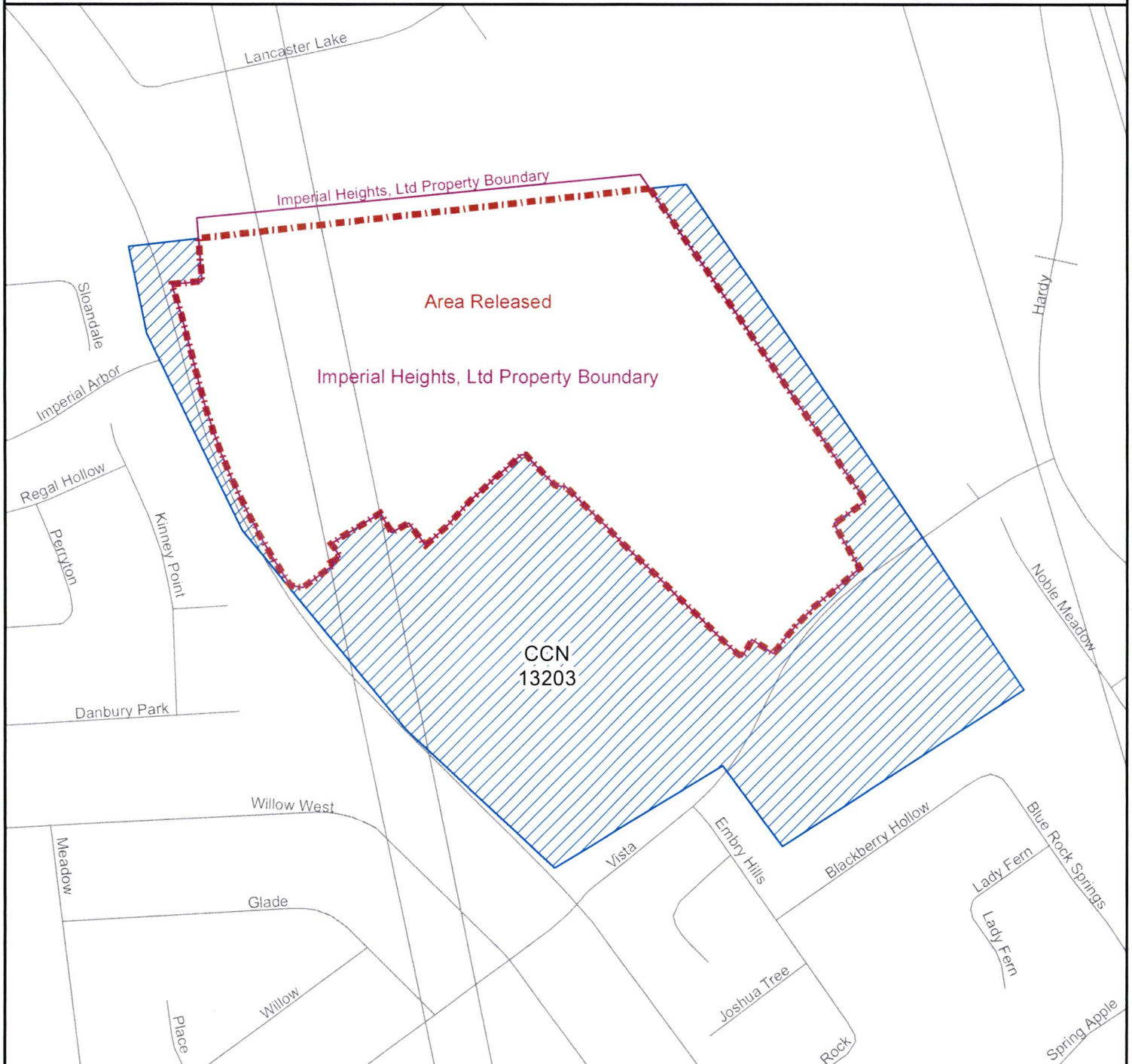
having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Aqua Texas, Inc. is entitled to this

## **Certificate of Convenience and Necessity No. 21065**

to provide continuous and adequate sewer utility service to that service area or those service areas in Brazoria, Fort Bend, Harris, Jefferson, Montgomery, Polk, and Trinity Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51114 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Aqua Texas, Inc. to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

Aqua Texas Inc.  
Portion of Water CCN No. 13203  
PUC Docket No. 51114  
Petition by Imperial Heights, Ltd. to Amend  
Aqua Texas Inc.'s CCN by Expedited Release in Harris County



**Water CCN**



13203 - Aqua Texas Inc



Area Released



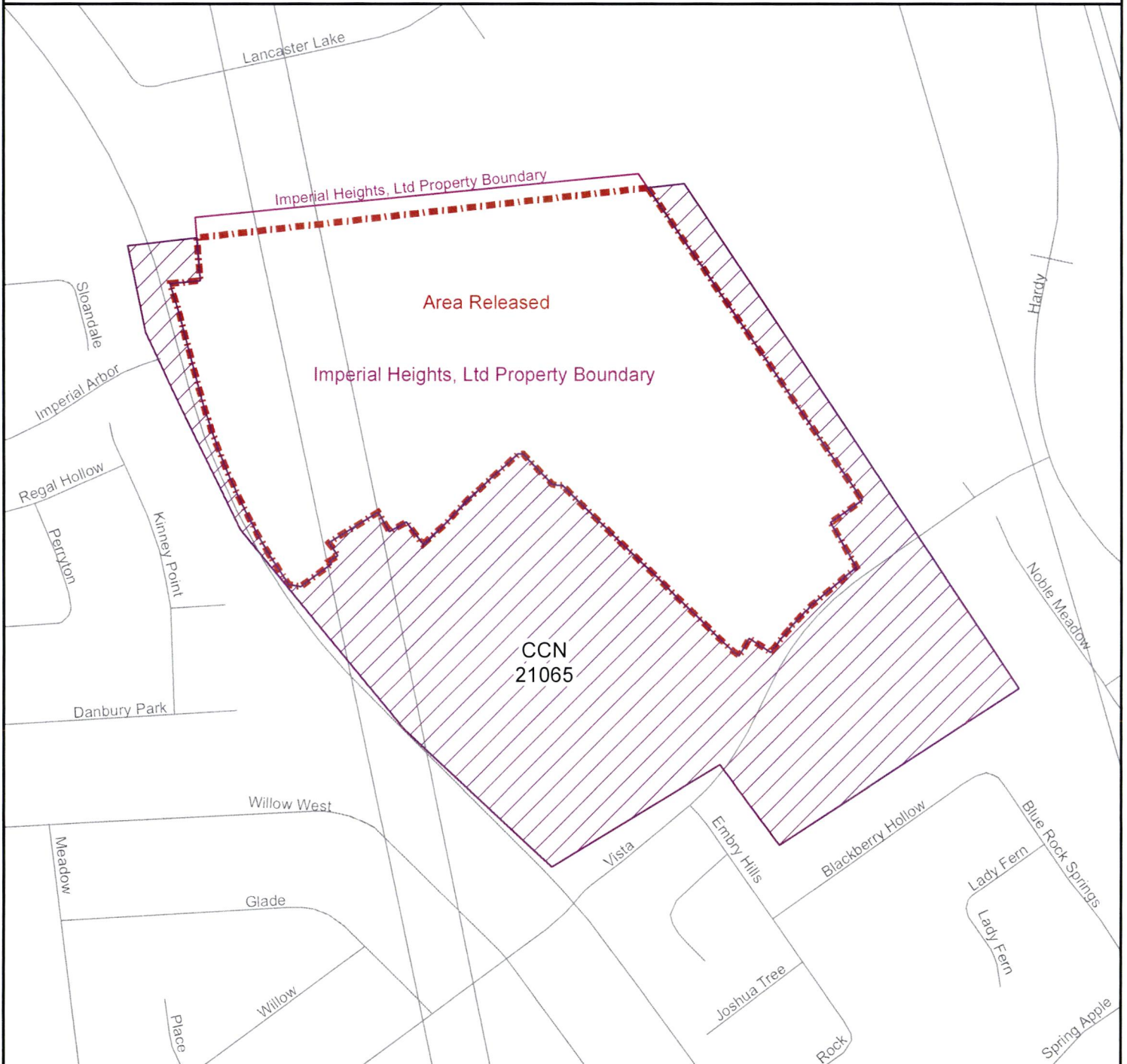
Property Boundary

0 200 400  
Feet





Aqua Texas Inc.  
Portion of Sewer CCN No. 21065  
PUC Docket No. 51114  
Petition by Imperial Heights, Ltd. to Amend  
Aqua Texas Inc.'s CCN by Expedited Release in Harris County



**Sewer CCN**

 21065 - Aqua Texas Inc



Area Released

 Property Boundary

0 200 400  
Feet



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

Map by: Komal Patel  
Date created: August 28, 2020  
Project Path: n:\finalmapping\  
51114AquaTexasSewer.mxd

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