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PETITION OF OLEX (UNITED
STATES), INC. FKA OLEX
CORPORATION NV TO AMEND
AQUA TEXAS, INC.'S CERTIFICATE
OF CONVENIENCE AND NECESSITY
IN DENTON COUNTY BY EXPEDITED
RELEASE

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PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND NOTICE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Supplemental Recommendation on Administrative Completeness and Notice in response to Order No. 4. Staff recommends that the petition be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On August 13, 2020, Olex (United States), Inc. fka Olex Corporation NV (Olex) filed a petition for streamlined expedited release of a portion of a 409.11-acre tract of land within the boundaries of the Aqua Texas, Inc.'s (Aqua) water certificate of convenience and necessity (CCN) No. 13201 in Denton County, under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Olex 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. Olex filed supplemental information on October 14, 2020 and November 13, 2020.

In Order No. 4, filed on November 13, 2020, Staff was directed to file a supplemental recommendation on sufficiency of the application by November 20, 2020.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Jolie Mathis in the Commission's Infrastructure Division, Staff has reviewed the petition for streamlined expedited release and recommends that it be found administratively complete.

III. NOTICE SUFFICIENCY

Under 16 TAC § 24.245(h)(3)(F), the landowner must provide proof that a copy of the petition was mailed to the current CCN holder via certified mail on the day that the landowner submits the petition with the Commission.

Olex stated in its filing that it mailed a copy of its petition to the CCN holder, Aqua, by certified mail on the day the petition was filed with the Commission. Olex also included an affidavit attesting to this provision of notice, and Aqua has been granted intervenor status in this proceeding. Accordingly, Staff recommends that the notice be found sufficient.

IV. PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes that the below procedural schedule be used. Under 16 TAC § 24.245(h)(7), there is an expedited statutory deadline of 60 days for approval that begins once the administrative law judge (ALJ) issues an order finding the petition administratively complete. Therefore, Staff requests that the ALJ populate the following deadlines accordingly when the ALJ files that order.

Event	Date
Deadline for responses to the administratively complete petition	December 3, 2020
Deadline for Commission Staff's recommendation on final disposition	December 17, 2020
Deadline for Aqua to file a reply to both Olex's response and Commission Staff's recommendation on final disposition ¹	December 29, 2020

V. CONCLUSION

For the reasons detailed above, Staff respectfully requests that an order be issued finding Olex's supplemented petition to be administratively complete and its notice sufficient and adopting the proposed procedural schedule.

¹ 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: November 23, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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Division Director

/s/ David Hoard
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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 November 23, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ David Hoard
David Hoard

Public Utility Commission of Texas

Memorandum

TO: David Hoard, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: November 23, 2020

RE: **Docket No. 51163:** *Petition of Olex (United States), Inc. F/K/A Olex Corporation NV to Amend Aqua Texas, Inc.'s Water Certificate of Convenience and Necessity in Denton County by Expedited Release*

On August 13, 2020, Olex (United States), Inc. F/K/A Olex Corporation NV (Olex) 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). Olex asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

Olex submitted a sworn affidavit attesting that the property was not receiving water or sewer service from Aqua Texas and a warranty deed confirming Olex's ownership of the tract of land. In addition, Olex submitted sufficient maps and digital data for determining the location of the requested release area within Aqua's certificated service area. Gary Horton, Infrastructure Division, was able to confirm the total tract of land is approximately 409 acres and the portion of the tract to be released is approximately 234 acres.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Aqua on the date the petition was filed with the Commission.

Based on the mapping review by Gary Horton and my technical and managerial review of the information provided by Olex, I recommend the petition be deemed administratively complete and accepted for filing.