



Control Number: 51163



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DOCKET NO. 51163

**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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**BEFORE THE PUBLIC UTILITY
COMMISSION OF TEXAS**

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AQUA TEXAS, INC.'S EXCEPTIONS TO PROPOSED ORDER

Aqua Texas, Inc. (Aqua or Intervenor) files these exceptions to the Proposed Order Granting Streamlined Expedited Release distributed by the Honorable Commission Administrative Law Judge (ALJ) to the Parties and Commissioners on January 27, 2021 (PO).¹ In support, Aqua shows as follows.

I. EXCEPTIONS

On August 28, 2020 and December 11, 2020, Aqua filed a Response and Supplemental Response, respectively, to the Petition that is the subject of the PO.² For reasons expressed therein, the property Petitioner seeks to have released from Intervenor's water CCN No. 13201 (Property) receives water service from Aqua.³ Therefore, per TWC § 13.2541(b),⁴ the Commission should deny the Petition.

Yet, the PO would grant the Petitioner's requested CCN streamlined expedited release and concludes that the Property is *not* receiving water service from Intervenor.⁵ This is incorrect. Thus, Aqua excepts to the PO as follows.

¹ Memorandum from ALJ to Commissioners and Parties with Proposed Order (Jan. 27, 2021).

² See Aqua's Motion to Intervene, Initial Comments, and Request for Response Deadline (Aug. 28, 2020) and Aqua's Supplemental Response to Petition (Dec. 11, 2020).

³ See TWC § 13.2541(b).

⁴ *Id.*

⁵ Memorandum from ALJ to Commissioners and Parties with Proposed Order (Jan. 27, 2021).

1. Finding of Fact Nos. 26, 27, 28 – These findings of fact are incorrect. Aqua *has* “committed or dedicated facilities or lines to the release property for water service,” it *has* “facilities or lines that provide water service to the release property,” and Aqua *has* “performed any acts for or supplied anything to the release property.”⁶

2. Conclusion of Law Nos. 9 and 10 – The tract *is* receiving water service under the referenced standards and the petition is not entitled to release. Therefore, these conclusions of law are incorrect.⁷

4. Ordering Paragraphs – Aqua excepts to the Ordering Paragraphs to the extent they would grant the Petition and remove certificated service area from Intervenor’s water CCN No. 13201.⁸

On January 27, 2021, the Honorable ALJ allowed until February 5, 2021 to file corrections or exceptions to the Proposed Order.⁹ Therefore, these exceptions are timely filed.

II. CONCLUSION AND PRAYER

Intervenor Aqua Texas, Inc. respectfully requests that the Commission modify the Proposed Order in line with the exceptions presented herein, find that the Petition does not meet the streamlined expedited release requirements under Texas Water Code § 13.2541 or 16 TAC § 24.245(1), and deny the Petition. In the alternative, if the Commission removes the Property from Intervenor’s CCN, the Commission must find that Intervenor is entitled to just and adequate compensation in an amount to be determined by the Commission before any other retail public utility may in any way render retail water or sewer service directly or indirectly to the public in the decertified area.

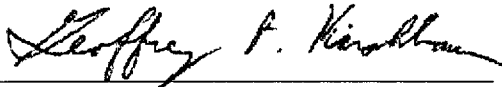
⁶ PO at 3.

⁷ PO at 4.

⁸ PO at 5-6.

⁹ Memorandum from ALJ to Commissioners and Parties with Proposal for Decision (Jan. 27, 2021).

Respectfully submitted,

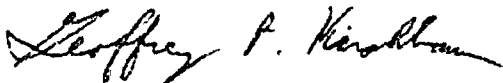
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ATTORNEY FOR AQUA TEXAS, INC.

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 February 5, 2021, in accordance with the Orders Suspending Rules issued in Project No. 50664.



Geoffrey P. Kirshbaum