



Control Number: 51423



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PETITION OF WEST BASTROP §  
VILLAGE, LTD. TO AMEND AQUA §  
WATER SUPPLY CORPORATION'S §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY IN BASTROP §  
COUNTY BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION  
OF TEXAS

**COMMISSION STAFF'S COMMENTS ON ADMINISTRATIVE COMPLETENESS  
AND PROPOSED NOTICE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 1, files Comments on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

**I. BACKGROUND**

On October 16, 2020, West Bastrop Village, Ltd. (West Bastrop) filed an application to amend Aqua Water Supply Corporation's (Aqua WSC) water certificate of convenience and necessity (CCN) No. 10294 in Bastrop County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). West Bastrop seeks the expedited release of a 346.518-acre tract of land within the boundaries of Aqua WSC's water CCN.<sup>1</sup> West Bastrop asserts that the tract of land is at least 25 acres, is not receiving water service, and is in Bastrop County, which is a qualifying county. West Bastrop also asserts that Aqua WSC has agreed to the decertification of the requested tract. West Bastrop filed an amended application on November 9, 2020.

Order No. 1, issued October 19, 2020, directed Staff to file a recommendation on the administrative completeness of the application and notice by November 16, 2020. Therefore, this pleading is timely filed.

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<sup>1</sup> See Filing of Corrected Petition and Affidavit, Affidavit for Petition by West Bastrop Village LTD. For Expedited Release Pursuant to Texas Water Code Section 13.2541 (Nov. 9, 2020) (Corrected Affidavit).

**II. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum from Patricia Garcia in the Infrastructure Division, Staff has reviewed the petition for 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 filed the petition with the Commission.

West Bastrop states in its filing that it mailed a copy of its petition to the CCN holder, Aqua WSC, by certified mail on the day the petition was filed with the Commission. Accordingly, Staff recommends that the notice issued be found sufficient.

**IV. PROCEDURAL SCHEDULE**

In accordance with Staff’s administrative completeness recommendation, Staff proposes that the below procedural schedule be used. Under TWC § 13.254(a-6), there is an expedited statutory deadline of 60 days for approval that begins once the Administrative Law Judge (ALJ) issues an order finding an application administratively complete. Therefore, Staff requests that the ALJ populate the following deadlines accordingly when the ALJ issues that order.

<b>Event</b>	<b>Date</b>
Deadline for Aqua WSC to respond to the administratively complete petition	November 23, 2020
Deadline for Commission Staff’s recommendation on final disposition	December 3, 2020
Deadline for West Bastrop to file a reply to both Aqua WSC’s response and Commission Staff’s recommendation on final disposition <sup>2</sup>	December 10, 2020

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<sup>2</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.

**V. CONCLUSION**

For the reasons detailed above, Staff respectfully requests that an order be issued that (1) finds West Bastrop’s amended application to be administratively complete and its notice sufficient and (2) adopts the above proposed procedural schedule.

Dated: November 16, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**DOCKET NO. 51423**

**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 16, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Alaina Zermeno  
Alaina Zermeno

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Alaina Zermeno, Attorney  
Legal Division

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

**DATE:** November 16, 2020

**RE:** Docket No. 51423 – *Petition of West Bastrop Village, Ltd. to Amend Aqua Water Supply Corporation's Certificate of Convenience and Necessity in Bastrop County by Expedited Release*

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West Bastrop Village, Ltd. (West Bastrop) filed an application for expedited release from Aqua Water Supply Corporation's (Aqua WSC) water certificate of convenience and necessity (CCN) No. 10294 in Bastrop County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). West Bastrop asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Bastrop County, which is a qualifying county.

West Bastrop submitted a sworn affidavit attesting that the property was not receiving water from Aqua WSC, and a warranty deed confirming the West Bastrop's ownership of the tract of land. In addition, West Bastrop submitted sufficient maps and digital data for determining the location of the requested release area within Aqua WSC's certificated service area.

The original petition filed by West Bastrop indicated the tract of land being requested for release was approximately 347.9 acres. A revised petition was filed on November 9, 2020, and although the cover page indicates the request is for the release of 546.518 acres, the petition itself states the requested area is 346.518 acres<sup>3</sup>. Tracy Montes, Infrastructure Division, was able to confirm the tract of land is approximately 346.518 acres.

The revised petition also includes a statement indicating a copy of the revised petition was sent via certified mail to Aqua WSC on the date the revised petition was filed with the Commission. Additionally, West Bastrop and Aqua WSC have agreed on the compensation and the compensation has been paid.

Based on the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review of the information provided by West Bastrop, I recommend the petition be deemed administratively complete and accepted for filing.

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<sup>3</sup> Amended Petition at 5 (Nov. 9, 2020) (Response).