



Control Number: 51423



Item Number: 8

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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 §**

PUBLIC UTILITY COMMISSION

2021 JAN -7 PM 1:35
OF TEXAS

PUBLIC UTILITY COMMISSION
FILED CLERK

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. 2, files this Recommendation on Final Disposition. Staff recommends that the petition be approved. In support thereof, Staff shows the following:

I. BACKGROUND

On October 16, 2020, West Bastrop Village, Ltd. (West Bastrop) filed a petition for streamlined expedited release of a 346.518-acre¹ tract of land 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 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.

On December 9, 2020, the administrative law judge filed Order No. 2, finding the petition administratively complete, notice sufficient, and requiring Staff to file its recommendation final disposition by January 7, 2021. 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.² West Bastrop's petition was

¹ See Corrected Petition and Affidavit (Nov. 9, 2020).

² 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).

deemed administratively complete in Order No. 2, filed on December 9, 2020. Therefore, the 60-day deadline for administrative approval is February 8, 2021.³

III. FINAL RECOMMENDATION

Staff has reviewed the application filed by West Bastrop and, as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that the petition be approved. Staff recommends that West Bastrop's petition satisfies the requirements on TWC § 13.254(b) and 16 TAC § 24.245(h). Specifically, the petition demonstrates that the property for which West Bastrop seeks streamlined expedited release is located in a qualifying county (Bastrop County), is at least 25 acres in size, is not receiving water service, and is located within Aqua WSC's water certificated service area. In addition, West Bastrop has provided a warranty deed confirming its ownership of the property.

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

IV. CONCLUSION

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

³ The 60-day deadline for approval is February 7, 2021. However, February 7 is a Sunday. Therefore, under 16 TAC § 22.4(a), the deadline advances to the following Monday, February 8, 2021.

Dated: January 7, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Alaina Zermeno

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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 January 7, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Alaina Zermeno

Alaina Zermeno

Public Utility Commission of Texas

Memorandum

TO: Alaina Zermeno, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: January 7, 2021

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*

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 adequate maps delineating the requested area for expedited release with enough detail to confirm the accurate positioning of its digital data pursuant to 16 TAC § 24.245(k). The map and digital data are sufficient for determining the location of the requested release area within Aqua WSC's certificated service area. Furthermore, West Bastrop provided a warranty deed confirming the ownership of the tract of land within Aqua WSC's certificated service area. In addition, West Bastrop submitted a sworn affidavit attesting that the property was not receiving water from the CCN-holder. The area being requested for expedited release is approximately 346.5 acres.

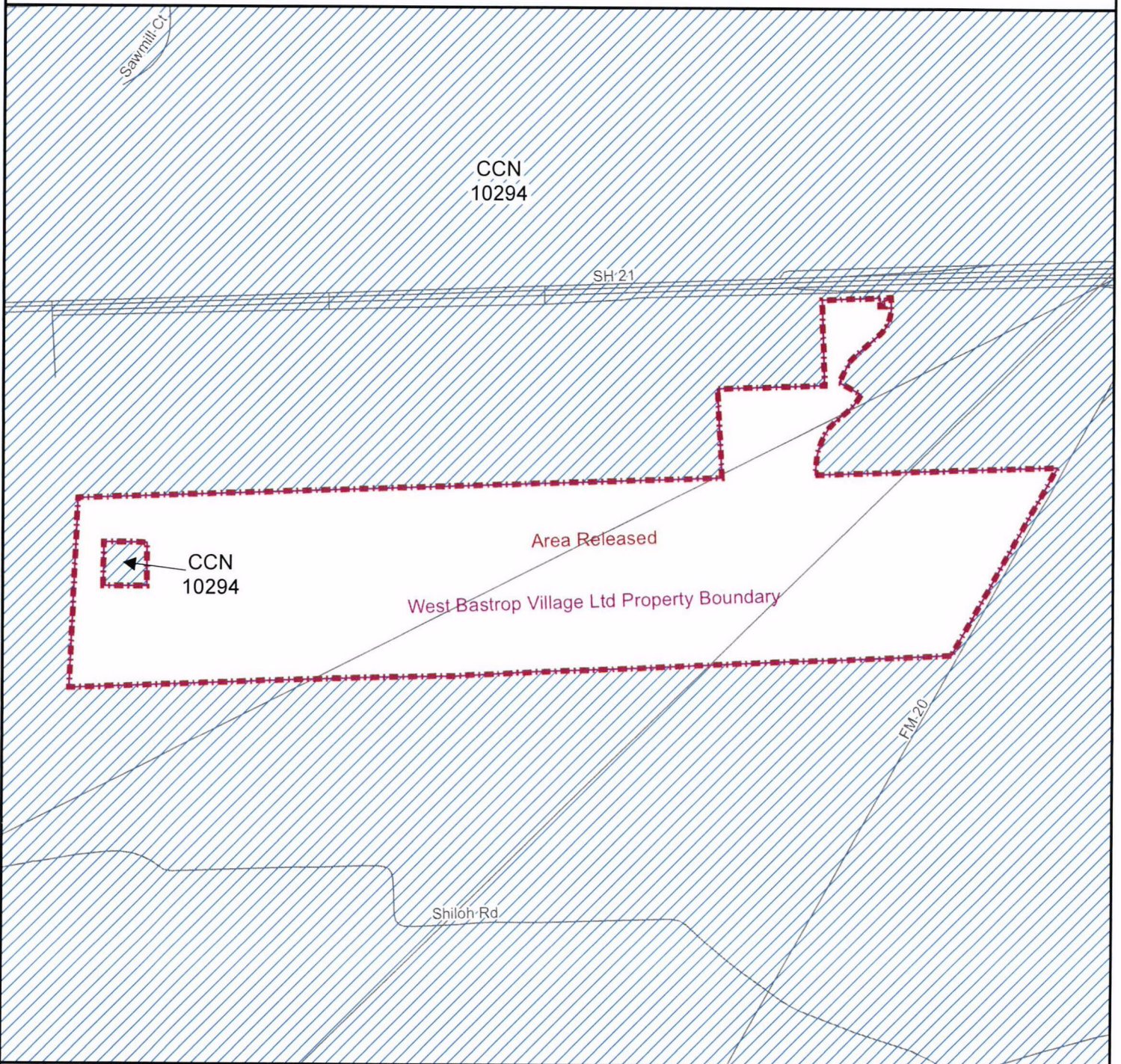
Aqua WSC did not request to intervene. West Bastrop submitted documentation indicating that West Bastrop and Aqua WSC agreed on the compensation and the compensation has been paid.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), West Bastrop has met the Commission's requirements to allow for the release of the requested area from Aqua WSC's CCN No. 10294. Therefore, I recommend approval of the petition. Enclosed is a final map and certificate for Commission approval.


Additionally, I recommend that a final map and certificate be provided to the CCN-holder. Pursuant to TWC §§ 13.257 (r)-(s), I further recommend that Aqua WSC file the following

information in the Bastrop 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.

Aqua Water Supply Corporation
Portion of Water CCN No. 10294
PUC Docket No. 51423
Petition by West Bastrop Village, Ltd. to Amend
Aqua Water Supply Corporation's CCN by Expedited Release in Bastrop County



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

Water CCN
 10294 - Aqua WSC

 Area Released
 Property Boundary

0 625 1,250
Feet



Map by: Komal Patel
Date created: November 10, 2020
Project Path: n:\finalmapping\
51423AquaWSC.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That

Aqua Water Supply Corporation

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 Water Supply Corporation is entitled to this

Certificate of Convenience and Necessity No. 10294

to provide continuous and adequate water utility service to that service area or those service areas in Bastrop, Caldwell, Lee, Travis, and Williamson counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51423 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 Water Supply Corporation 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__.