



Control Number: 51453



Item Number: 6

Addendum StartPage: 0

Public Utility Commission of Texas

Memorandum



TO: Robert Parish, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: November 23, 2020

RE: Docket No. 51453 – *Application of Aqua Utilities, Inc. and Aqua Texas, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Bandera County*

Aqua Texas, Inc. (Aqua Texas) and Aqua Utilities, Inc. (Aqua Utilities) filed an application for sale, transfer, or merger of facilities in Bandera County, Texas, under Texas Water Code §§ 13.242 to 13.250 and § 13.301 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237 and § 24.239.

Specifically, Aqua Texas, certificate of convenience and necessity (CCN) No. 13254, seeks approval to acquire facilities from Aqua Utilities. Aqua Utilities has been operating the Blue Medina Water system facilities since 1994. Aqua Utilities acquired the Blue Medina Water system through adverse possession claims on June 8, 1998. The Blue Medina Water system has been on the Aqua Utilities approved tariff since at least 2003. The requested area was under CCN No. 12585 for Blue Medina Water Supply Corporation. This CCN was revoked by the Commission on July 18, 2019. The requested area includes approximately 474 acres and 75 connections.

Based on the mapping review by Gary Horton, Infrastructure Division, the financial and managerial review by Fred Bednarski, III, Rate Regulation Division, and my technical and managerial review of the original application and the additional information filed on November 10, 2020, I recommend that the application be deemed administratively complete. I further recommend that the Purchaser and Seller be ordered to do the following:

- 1) Provide notice of the application by first-class mail to the following:
 - a. Cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area:
 - *Monarch Utilities I LP (CCN No. 12983)*

- *The Falls WSC (CCN No. 12988)*
- b. The county judge of each county that is wholly or partially included in the requested area:
 - *Bandera County Judge*
 - c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Bandera County River Authority & Ground Water District*
 - d. Each owner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.
 - e. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. District information and addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <http://www14.tceq.texas.gov/iwud/>.

- 2) Publish notice in a newspaper having general circulation in the county where the requested area is located, once each week for two consecutive weeks. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the notice was mailed, Aqua Texas must file an affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.
- 3) Provide notice using the attached notice forms.
- 4) Provide a copy of a map delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners and customers.
- 5) File in the docket a map and copy of notice along with the signed affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit and tear sheets for proof of newspaper publication.