



Control Number: 51454



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DOCKET NO. 51454

RECEIVED

APPLICATION OF AQUA UTILITIES, §
INC. AND AQUA TEXAS, INC. FOR §
SALE, TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN VICTORIA COUNTY §

PUBLIC UTILITY COMMISSION

2021 JAN 21 PM 12:03
PUBLIC UTILITY COMMISSION
OF TEXAS FILING CLERK

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

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Supplemental Recommendation on Administrative Completeness and Proposed Notice. In support, Staff offers the following:

I. BACKGROUND

On October 22, 2020, Aqua Texas, Inc. (Aqua Texas) and Aqua Utilities, Inc. (Aqua Utilities) (collectively, Applicants) filed an application for approval of the sale and transfer of certificate of convenience and necessity (CCN) rights in Victoria County. Aqua Texas seeks approval to acquire facilities and to transfer all of Aqua Utilities' service area under water CCN No. 11157 and sewer CCN No. 20453. The requested area includes approximately 174 acres and 75 connections. The Applicants filed supplemental information on November 10, November 17, and December 28, 2020.

On November 23, 2020, the administrative law judge filed Order No. 2, establishing a deadline of January 22, 2021, for Staff to file a supplemental recommendation on administrative completeness and proposed notice. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum of Patricia Garcia of the Commission's Infrastructure Division, Staff has reviewed the application and recommends that it be found administratively complete, as supplemented. Staff's recommendation is not a comment on the merits of the application.

III. NOTICE

At this time, Staff recommends that the Applicants proceed with providing public notice to all current customers, persons, political subdivisions, and other entities listed in the attached memorandum using the notice provided by Ms. Garcia. Along with each individual notice, Staff recommends that the Applicants provide an accurate map delineating the requested service area.

Within 30 days of the provision of notice, Staff recommends that the Applicants file proof of notice as described in the attached memorandum. Finally, Staff recommends that the Applicants use the attached notice and affidavit to meet these requirements.

IV. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for the continued processing of this application:

Event	Date
Deadline for the Applicants to file with the Commission signed affidavit that the notice was given along with a copy of the notice and map sent to the affected parties	February 22, 2021
Deadline for Staff to file a recommendation on sufficiency of notice	March 4, 2021
Deadline to intervene	Thirty days after notice is issued

V. CONCLUSION

For the reasons discussed above, Staff respectfully requests that the supplemented application be deemed administratively complete, that the Applicants be directed to provide notice as described in the attached memorandum, and that the proposed procedural schedule be adopted for further processing of the application.

Dated: January 21, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

/s/ Merritt Lander
Merritt Lander
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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 on January 21, 2021 in accordance with the Order Suspending Rules issued in Project No. 50664.

/s/ Merritt Lander
Merritt Lander

Notice to Current Customers, Neighboring Systems, and Cities

AQUA TEXAS, INC., CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NOS. 13203 AND 21065, NOTICE OF INTENT TO PURCHASE WATER AND SEWER FACILITIES AND TO TRANSFER WATER AND SEWER SERVICE AREA UNDER CCN NOS. 11157 AND 20453 FROM AQUA UTILITIES, INC. IN VICTORIA COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 20____
(Name of Customer, Neighboring System, or City)

(Address)

(City State Zip)

<u>Aqua Texas, Inc.</u>	<u>1106 Clayton Lane, Suite 400W</u>	<u>Austin, TX</u>	<u>78723</u>
(Purchaser's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase Aqua Utilities, Inc. water facilities and to transfer water certificated service area under CCN No. 11157 and sewer facilities and to transfer sewer certificated service area under CCN No. 20453, in Victoria County, TX from:

<u>Aqua Utilities, Inc.</u>	<u>1106 Clayton Lane, Suite 400W</u>	<u>Austin, TX</u>	<u>78723</u>
(Seller's Name)	(Address)	(City), (State)	(Zip Code)

The sale is scheduled to take place if approved by the Commission (Texas Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivisions:
Brentwood Manor and Huntington.

The requested area is located approximately 5 miles east-northeast of downtown Victoria, Texas, and is generally bounded on the north by US 59 Business; on the east by Holt Road; on the south by US 59; and on the west by Burroughsville Road. The total requested area includes approximately 174 acres and 75 current customers.

See enclosed map showing the requested area.

This transaction will not have an effect on the current customers' rates and services.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final

decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

Si desea información en español, puede llamar al 1-888-782-8477.

Utility Representative

Utility Name

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES DOCKET NO. 51454

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual
notice to the following entities and customers:

DATE OF NOTICE

OATH

I, _____, being duly sworn, file this form as
_____ (indicate relationship to applicant, that is,
owner, member of partnership, title of officer of corporation, or other authorized representative
of applicant); that in such capacity, I am qualified and authorized to file and verify such form,
am personally familiar with the notices given with this application, and have complied with all
notice requirements in the application and application acceptance letter; and that all such
statements made and matters set for therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the
applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

Updated: October 15, 2020

Public Utility Commission of Texas

Memorandum

TO: Merritt Lander, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: January 21, 2021

RE: Docket No. 51454 – *Application of Aqua Utilities, Inc. and Aqua Texas, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Victoria County*

Aqua Texas, Inc. (Aqua Texas) and Aqua Utilities, Inc. (Aqua Utilities) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Victoria County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, Aqua Texas, which holds certificate of convenience and necessity (CCN) Nos. 13203 and 21065, seeks approval to acquire facilities and to transfer a portion of the water service area from Aqua Utilities under water CCN No. 11157 and sewer CCN No. 20453. The requested area includes approximately 174 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 additional information filed on December 28, 2020, I recommend that the application be deemed administratively complete. I further recommend that the Applicants 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:
 - *City of Victoria (CCN Nos. 10722 & 20297)*
 - *Guadalupe-Blanco River Authority*
 - *Victoria County Drainage District 3*
 - *Victoria County Navigation District*

- b. The county judge of each county that is wholly or partially included in the requested area:
 - *Victoria County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Victoria County Conservation District*
- d. 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) Provide notice using the attached notice form(s).
- 3) Provide a copy of the map(s) deemed sufficient during administrative review delineating the requested area with each individual notice to neighboring utilities, other affected parties, and customers.
- 4) File in the docket copy of notice and the map(s) deemed sufficient during administrative review along with the signed affidavit specifying every person and entity to whom notice was provided, and the date that the notice was provided.