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**DOCKET NO. 51477**

**PETITION OF AQUA TEXAS, INC.  
AND THE CITY OF AUSTIN FOR  
APPROVAL OF SERVICE AREA  
CONTRACT UNDER TEXAS WATER  
CODE § 13.248 AND TO AMEND  
CERTIFICATES OF CONVENIENCE  
AND NECESSITY IN TRAVIS  
COUNTY**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS, NOTICE, AND PROPOSED PROCEDURAL SCHEDULE**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 1, Staff's Recommendation on Administrative Completeness, Notice, and Proposed Procedural Schedule. Staff recommends that the application be deemed administratively complete and that notice be deemed sufficient. In support thereof, Staff shows the following:

**I. BACKGROUND**

On November 2, 2020, Aqua Texas, Inc. (Aqua) and the City of Austin (Austin) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248. The Petitioners seek to transfer 15.61 acres of water service area from Aqua's certificate of convenience and necessity (CCN) number 13254 to Austin's CCN number 11332. The Petitioners' service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253. The requested service area contains no existing customers or facilities. Aqua filed supplemental mapping and a service list on November 10, 2020.

On November 3, 2020, the administrative law judge filed Order No. 1, which directed Staff to file comments on the administrative completeness of the application and sufficiency of notice and to propose a procedural schedule by December 2, 2020. Therefore, this pleading is timely filed.

## **II. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the application and supplemental information and, as detailed in the attached memorandum of Jolie Mathis of the Commission's Infrastructure Division, recommends that it satisfies the requirements of TWC § 13.248 and 16 TAC § 24.253. As such, Staff recommends that the application be found administratively complete.

## **III. NOTICE**

Notice in this matter is governed by 16 TAC § 24.253(c). Under this section, two forms of notice may potentially be required. First, if affected customers will be transferred as part of the contract, then notice must be provided to those customers.<sup>1</sup> As stated in the application, there are no affected customers. As such, Staff recommends that this notice provision is not applicable.

Second, if a regulatory authority, such as a governing board of a water supply corporation or a city council, made the decision to enter into the contract at a meeting of that authority, then the agenda or minutes of that meeting may serve as notice.<sup>2</sup> The meeting agendas and minutes for the applicable Austin meeting where the decision to enter into the Agreement was discussed were filed as notice of the petition. An affidavit attesting to notice, signed by a representative from Austin, was also filed with the petition.

Consequently, Staff recommends that the Petitioners have satisfied the notice requirements of 16 TAC § 24.253(c) and that no further notice should be required.

## **IV. PROPOSED PROCEDURAL SCHEDULE**

Staff has conferred with the Petitioners regarding how to proceed with the petition, and Staff and Petitioners jointly propose the following procedural schedule for further processing of this docket:

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<sup>1</sup> 16 TAC § 24.253(c)(1).

<sup>2</sup> 16 TAC § 24.253(c)(2).

<b>Event</b>	<b>Date</b>
Deadline for intervention	December 9, 2020
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to Petitioners for review and consent	December 30, 2020
Deadline for Petitioners to file signed consent forms with the Commission	January 13, 2021
If no hearing is requested, deadline for Staff to file a final recommendation on the application	January 20, 2021
If no hearing is requested, deadline for the parties to file joint proposed findings of fact, including findings that address the factors in Texas Water Code § 13.246(c), and conclusions of law	January 27, 2021

## **V. CONCLUSION**

For the foregoing reasons, Staff respectfully recommends that an order be issued finding the application administratively complete, and notice sufficient, and adopting the proposed procedural schedule.

Dated: December 2, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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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 via electronic mail on December 2, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Taylor Kilroy  
Taylor Kilroy