



Control Number: 51492



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DOCKET NO. 51492

**PETITION OF DENTON 114 LP TO § PUBLIC UTILITY COMMISSION
AMEND AQUA TEXAS, INC.'S §
CERTIFICATE OF CONVENIENCE § OF TEXAS
AND NECESSITY IN DENTON §
COUNTY BY EXPEDITED RELEASE §**

2020 DEC -7 AM 11: 08
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S 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 Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the petition be deemed administratively complete for further review and that notice be deemed sufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On November 6, 2020, Denton 114 LP (Denton 114) filed an application to amend Aqua Texas, Inc.'s (Aqua Texas) water certificate of convenience and necessity (CCN) No. 13201 in Denton County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Denton 114 seeks the streamlined expedited release of a 90.546-acre tract of land within the boundaries of Aqua Texas' water CCN.

In Order No. 1, filed on November 9, 2020, Staff was directed to file a recommendation on the sufficiency of the petition by December 7, 2020. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Patricia Garcia in the Commission's Infrastructure Division, Staff has reviewed the petition for streamlined 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 has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition to the Commission.

Denton 114 states in its filing that it mailed a copy of its petition to the CCN holder, Aqua Texas, by certified mail on the day the petition was filed with the Commission. Denton 114 also included an affidavit attesting to this provision of notice to Aqua Texas. 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 16 TAC § 24.245(h)(7), 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.

Event	Date
Deadline for Aqua Texas and intervenors to file a response to the administratively complete petition	
Deadline for Commission Staff's recommendation on final disposition	
Deadline for Denton 114 to file a reply to both Aqua Texas' response and Commission Staff's recommendation on final disposition ¹	
Sixty-day administrative approval of expedited release	

V. CONCLUSION

For the reasons detailed above, Staff respectfully requests the entry of an order finding Denton 114's application administratively complete and its notice sufficient and adopting the proposed procedural schedule.

¹ Staff notes that such a reply must be limited to briefing and argument. Submission of any additional proof will be deemed a new petition.

Dated: December 7, 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 7, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Taylor Kilroy
Taylor Kilroy

Public Utility Commission of Texas

Memorandum

TO: Taylor Kilroy, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: December 7, 2020

RE: Docket No. 51492 – *Petition of Denton 114 LP to Amend Aqua Texas, Inc.’s Certificate of Convenience and Necessity in Denton County by Expedited Release*

On November 6, 2020, Denton 114 LP (Denton 114) filed an application for streamlined expedited release from Aqua Texas, Inc.’s (Aqua Texas) water certificate of convenience and necessity (CCN) No. 13201 in Denton County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Denton 114 asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

Denton 114 submitted a sworn affidavit attesting that the property was not receiving water service from Aqua Texas and a warranty deed confirming Denton 114’s ownership of the tract of land. In addition, Denton 114 submitted sufficient maps and digital data for determining the location of the requested release area within Aqua Texas’s certificated service area. Tracy Montes, Infrastructure Division, was able to confirm that the tract of land is approximately 90.5 acres.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Aqua Texas on November 5, 2020.

Based on the mapping review by Tracy Montes and my technical and managerial review of the information provided by Denton 114, I recommend the petition be deemed administratively complete and accepted for filing.