



Control Number: 51738



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

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

On January 20, 2021, Sanctuary Texas, LLC (Sanctuary) filed a petition for streamlined expedited release of approximately 69.113 acres of land within the boundaries of Aqua Texas, Inc.'s (Aqua Texas) water certificate of convenience and necessity (CCN) No. 13201 in Denton County, Texas, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Sanctuary asserts that the tract of land is at least 25 acres, is not receiving water service, and is located in Denton County, which is a qualifying county. Sanctuary filed supplemental information on February 3, 2021 and March 4, 2021. Aqua Texas filed a motion to intervene on February 5, 2021.

On February 24, 2021, Order No. 2 was filed, setting a deadline of April 16, 2021, for the Staff of the Public Utility Commission of Texas (Staff) to file supplemental comments on the administrative completeness of the petition, the sufficiency of the notice, and to propose a procedural schedule. This pleading, therefore, is timely filed.

I. ADMINISTRATIVE COMPLETENESS

After review, and as detailed in the attached memorandum from Pai Liu in the Commission's Infrastructure Division, Staff recommends that the supplemented petition be found administratively complete. This recommendation is not a comment on the merits of the petition.

II. NOTICE

Under 16 TAC § 24.245(h)(3), 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. Petitioner states in its filing that it mailed a copy of its petition to the CCN holder, Aqua Texas, by certified mail on January 20, 2021. On February 24, 2021, Order

No. 2 was filed, granting Aqua Texas intervenor status. Accordingly, Staff recommends that the notice issued be deemed sufficient

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for Aqua Texas and intervenors to file a response to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for Staff's recommendation on final disposition	34 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a reply to both Aqua Texas's response and Staff's recommendation on final disposition	41 days from the date of the order finding the petition administratively complete
Sixty-day administrative approval of streamlined expedited release	60 days from the date of the order finding the petition administratively complete
<i>In the event streamlined expedited release is granted and petitioner and Aqua Texas can select an agreed-upon appraiser</i>	
Deadline for petitioner and Aqua Texas to make a filing stating that they have selected an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for appraiser's report	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to Aqua Texas	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Aqua Texas	Within 90 days of the Commission's final order on compensation
<i>In the event streamlined expedited release is granted and petitioner and Aqua Texas are unable to select an agreed-upon appraiser</i>	
Deadline for petitioner and Aqua Texas to make a filing stating that they have been unable to select an agreed-upon appraiser and affirming that they will pay half of the cost of Commission Staff's appraiser ¹	Within 10 days after the Commission approves streamlined expedited release ²

¹ TWC § 13.2541(i).

² It is critical for Staff to know as soon as possible after the Commission grants the petition whether Staff needs to secure the services of a third appraiser. If the petitioner and CCN holder are unable to agree, and fail to make this filing, Staff may need additional time to file its appraiser's report.

Deadline for reports from petitioner's appraiser and Aqua Texas's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to Aqua Texas	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to Aqua Texas	Within 90 days of the Commission's final order on compensation

IV. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the foregoing supplemental recommendation.

Dated: April 16, 2021

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 on April 16, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Creighton R. McMurray
Creighton R. McMurray

Public Utility Commission of Texas

Memorandum

TO: Creighton McMurray, Attorney
Legal Division

FROM: Pai Liu, Policy Advisor
Infrastructure Division

DATE: April 16, 2021

RE: Docket No. 51738 – *Petition of Sanctuary Texas, LLC to Amend Aqua Texas Inc.'s Certificate of Convenience and Necessity in Denton County by Expedited Release*

On January 20, 2021, Sanctuary Texas, LLC (Sanctuary) filed a petition 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). Sanctuary 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.

Sanctuary submitted a sworn affidavit attesting that the property was not receiving water service from Aqua Texas and a warranty deed confirming Sanctuary's ownership of the tract of land. In addition, Sanctuary submitted sufficient maps and digital data for determining the location of the requested release area within Aqua Texas's certificated service area.

The petition indicates that Sanctuary owns approximately 70.149 acres of contiguous property. Sanctuary is seeking the release of approximately 69.113 acres of this contiguous property. Based on the mapping review by Gary Horton, Infrastructure Division, the area of the 69.113-acre portion of the contiguous property Sanctuary is seeking to have released that overlaps with Aqua Texas's CCN No. 13201 is approximately 58.794 acres.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Aqua Texas on the date the petition was filed with the Commission.

Based on the mapping review by Gary Horton and my technical and managerial review of the additional information provided by Sanctuary on February 3, 2021 and March 4, 2021, I recommend that the petition be deemed administratively complete and accepted for filing.