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

**ORDER NO. 8
GRANTING EXTENSION**

This Order addresses the January 20, 2021 petition of the Sanctuary Texas, LLC to amend Aqua Texas, Inc.’s water certificate of convenience and necessity in Denton County by streamlined expedited release.

On July 30, 2021, the Commission issued an order releasing the property from Aqua Texas’ certificated service area. On August 6, 2021, Aqua Texas filed a motion for reconsideration. On August 19, 2021, the Commission filed an order extending the time to act on the motion to the maximum extent allowed under Texas Government Code § 2001.146(e). On August 24, 2021, Aqua Texas filed a motion for rehearing and request for procedural clarification. In its motion, Aqua Texas requested, among other things, that the compensation proceeding procedural deadlines set forth in Order No. 3 be tolled. On September 14, 2021, Commission Advising filed a memo informing the parties that no commissioner voted to add the motion to an open meeting.

On October 7, 2021, Aqua Texas filed its appraisal report. On October 7, 2021, Sanctuary filed a motion for extension of time to file its compensation report. On October 8, 2021, Sanctuary filed a revised motion.

Petitions for streamlined expedited filed under Texas Water Code §§ 13.254 and 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h) are not contested cases¹ and, as such, Subchapter F of the APA² would not normally apply. However, the Commission included a citation to one of the sections of Subchapter F of the Administrative Procedure Act when it issued its August 19, 2021 order extending the time to act on Aqua Texas’ motion. Additionally, the Commission characterized Aqua Texas’ August 6, 2021 motion as a motion for rehearing, which

¹ Order at conclusion law 4 (July 30, 2021).

² Administrative Procedure Act, Tex. Gov’t Code § 2001.001–.903.

are governed by 16 TAC § 22.264, which states, “Motions for rehearing, replies thereto, and commission action on motions for rehearing shall be governed by APA.”

Based on the Commission’s order extending time, the Commission’s characterization of Aqua Texas’ August 6, 2021 motion as a motion for rehearing, and the Commission’s rules, the administrative law judge grants Sanctuary’s motion for an extension. By October 28, 2021, Sanctuary must file its appraisal report.

Signed at Austin, Texas the 8th day of October 2021.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read "Isaac Ta", written over a horizontal line.

**ISAAC TA
ADMINISTRATIVE LAW JUDGE**