



Control Number: 51833



Item Number: 11

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APPLICATION OF AQUA TEXAS, INC.	§	PUBLIC UTILITY COMMISSION
FOR 2020 TRUE-UP REPORT AND	§	
PASS-THROUGH GALLONAGE	§	OF TEXAS
CHARGE FOR ITS SOUTHWEST	§	
REGION	§	

JOINT MOTION TO REOPEN RECORD AND CORRECT NOTICE OF APPROVAL

Aqua Texas, Inc. and the Staff (Staff) of the Public Utility Commission (Commission) (collectively, the Parties) file this Joint Motion to Reopen Record and Correct Notice of Approval in response to the Notice of Approval issued in this matter on May 6, 2021. In support, the Parties show as follows.

I. BACKGROUND

The Honorable administrative law judge’s (ALJ) Notice of Approval in this tariff control matter approved through informal disposition Commission Staff’s recommended tariff from its corrected filing on April 5, 2021 (AIS Item No. 5).¹ However, the Parties have learned that the Motion to Admit Evidence and Proposed Order filed on April 30, 2021, and Staff’s previous filings referred to therein, inadvertently omitted reference to Commission Staff’s March 24, 2021 which properly included a recommended tariff for both Aqua Utilities, Inc. (certificate of convenience and necessity [CCN] No. 11157) and Aqua Texas, Inc. (CCN No. 13254). The Aqua Texas, Inc. (CCN No. 13254) tariff filed by Commission Staff on March 24, 2021 did not require correction as did the Aqua Utilities, Inc. tariff, which was corrected through Commission Staff’s recommendation filing on April 5, 2021.² Therefore, the Parties request that the ALJ correct the Notice of Approval to reflect approval of both tariffs and allow Commission Staff to file clean copies of both for the Commission’s records..

Prior to the application that initiated this matter, the Aqua Entities filed multiple applications that, in pertinent part, sought approval to transfer water systems and CCN rights in the geographic area referred to as the Southwest Region to Aqua Texas, Inc. (CCN No. 13254) from Aqua Utilities, Inc. (CCN No. 11157), Aqua Development, Inc. (CCN No. 12902), Kerrville

¹ See, e.g., Notice of Approval at Ordering Paragraphs 1-4 (May 6, 2021).
² See, e.g., Commission Staff’s Recommendation on Administrative Completeness and Notice and Final Recommendation (March 24, 2021).

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South Water Company, Inc. (CCN No. 11484), and Harper Water Company, Inc. (CCN No. 11421).³ All four of the Aqua Entities have been required to collectively file an annual true-up report and any adjustment request for the regional pass-through gallonage charge water rate applicable to most water systems in the geographic Southwest Region for several years now.

The Commission has finally approved transfers for all systems included in the Aqua Entities' filed applications. The only water system and CCN transfers in the Southwest Region that are not yet approved are the Transfers of two Aqua Utilities, Inc. water systems to Aqua Texas, Inc. The Commission approved a separate Aqua Utilities, Inc. (CCN No. 11157) water tariff in Docket No. 48769, along with the water tariff approved for Aqua Texas, Inc. (CCN No. 13254).⁴ Since then, regional pass-through gallonage charge adjusted have been implemented by the Commission in both tariffs simultaneously.

Here, Commission Staff's March 24, 2021, recommendation included two tariffs as attachments (CCN No. 11157 and CCN No. 13254). Staff corrected one of the attached tariffs (CCN No. 11157) in its April 5, 2021, filing (AIS Item No. 5, "Commission Staff's Corrected Tariff"). Subsequently, in the joint Motion to Admit Evidence filed on April 30, 2021, only the corrected tariff (CCN No. 11157) was referenced in the ordering paragraphs of the proposed order, leaving out the second tariff related to this matter filed on March 24, 2021 as discussed above (CCN No. 13254). As a result, the Notice of Approval filed on May 6, 2021, only admitted and approved the corrected tariff filed by Staff for CCN No. 11157. Thus, the administrative record before us in the immediate docket must be remedied so that both tariffs can be approved in a newly issued Notice of Approval. Subject to approval by the Honorable ALJ of this motion, and in the interest of judicial efficiency, the Parties have provided revised versions of the aforementioned documents as attachments to this pleading.

³ *Application of Aqua Utilities, Inc , Aqua Development, Inc. and Aqua Texas, Inc for Sale, Transfer, or Merger of Facilities and Certificate Rights in Bandera, Bastrop, Bexar, Blanco, Burnet, Comal, Gillespie, Hays, Kendall, Ker, Kimble, Live Oak, Llano, Medina, Nueces, Travis, Williamson, and Wilson Counties*, Docket No. 48769, Notice of Approval (Jul. 21, 2020); *Application of Harper Water Company, Inc and Aqua Texas, Inc for Sale, Transfer, or Merger of Facilities and Certificate Rights in Gillespie and Kerr Counties*, Docket No. 48896, Notice of Approval (Feb. 3, 2020); *Application of Kerrville South Water Company, inc and Aqua Texas, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Kerr County*, Docket No. 48897, Notice of Approval (Apr. 3, 2020).

⁴ *Compare* Docket No. 48769, Notice of Approval at 66 of 187 (Aqua Texas, Inc., CCN No. 13254 tariff) (Jul. 21, 2020), *with* Notice of Approval at 118 of 187 (Aqua Utilities, inc., CCN No. 11157 tariff) (Jul. 21, 2020).

II. MOTION TO REOPEN RECORD AND CORRECT NOTICE OF APPROVAL

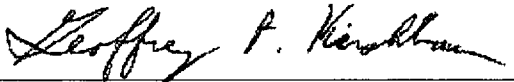
To resolve the issue described above, the Parties respectfully request that the Honorable ALJ reopen the record and correct the May 6, 2021, Notice of Approval pursuant to 16 Texas Administrative Code (TAC) § 22.35(c). The Parties request a reopened record to allow the parties to submit a subsequent filing for the Honorable ALJ in the form of a corrected Notice of Approval as described above.

Commission rules permit requests for corrections to notice of approvals issued through the Commission's informal disposition process within 15 days of the issuance of such notice.⁵ Therefore, this motion is timely filed.

III. CONCLUSION

The Parties respectfully request that the Honorable administrative law judge: (1) reopen the record to allow Commission Staff to prepare and file the additional tariff required to resolve this matter; and (2) correct the May 6, 2021, Notice of Approval issued in this matter to reflect approval of both above described tariffs (CCN Nos. 11157 and 13254).

Respectfully submitted,

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AND AQUA TEXAS, INC.**

⁵ 16 TAC § 22.35(c)(1), which provides that “[p]arties may file suggested corrections to a notice of approval within 15 days of the issuance of such notice. Corrections may be made at the discretion of the presiding officer.”

Dated: May 21, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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TARIFF CONTROL NO. 51833

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 May 21, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin R. Bartz
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