



Control Number: 51842



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DOCKET NO. 51842

**PETITION OF BERNADINE C. KING, §
TRUSTEE OF THE HINSVARK §
FAMILY TRUST TO AMEND AQUA §
TEXAS, INC.'S CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
BASTROP COUNTY BY EXPEDITED §
RELEASE §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

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COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION

On February 26, 2021, Bernadine C. King, Trustee of the Hinsvark Family Trust (Ms. King) filed a petition for streamlined expedited release of approximately 217.9 acre tract of land that lies within Aqua Texas, Inc.'s (Aqua Texas) water certificate of convenience and necessity (CCN) number 21116 in Bastrop County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Ms. King asserts that the tract of land is at least 25 acres, is not receiving water service, and is located in Bastrop County, which is a qualifying county.

On May 19, 2021, the administrative law judge (ALJ) filed Order No. 3 setting a deadline of June 21, 2021, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on final disposition. Therefore, this pleading timely filed.

I. RECOMMENDATION ON FINAL DISPOSITION

As detailed in the attached memorandum from Patricia Garcia in the Commission's Infrastructure Division, Staff has reviewed the petition for streamlined expedited release, as supplemented on April 23, 2021, and recommends that it be approved. The maps and digital data filed by Ms. King provide adequate information demonstrating that the petition satisfies the requirements of TWC § 13.2541(b) and 16 TAC § 24.245(h). Specifically, the maps and digital data provided by Ms. King enable Staff to determine that the requested area: (1) is at least 25 acres; (2) is not receiving wastewater service; (3) is located within Aqua Texas' certified area; and (4) is located within Bastrop County, which is a qualifying county.

In Aqua Texas' response to the petition, it argues that the property is receiving wastewater service because Aqua Texas has: (1) wastewater facilities are present proximate to and made available for a subject tract within Aqua Texas' CCN service area; and (2) Aqua Texas has

performed various acts and supplied funds in furtherance of service to CCN No. 21116's service area, which includes the requested area. Staff maintains that these steps are not adequate to show that the requested area is receiving wastewater service from Aqua Texas because they do not demonstrate that Aqua Texas has committed or dedicated facilities or lines specifically for providing wastewater service to the property or performed acts or supplied anything to the property.¹.

In addition, the deed provided by the Petitioner confirms that the Petitioner owns the property. Consequently, the Petitioner has shown that it meets the requirements for streamlined expedited release.

II. CONCLUSION

For the reasons detailed above, Staff respectfully requests that an interim order be issued granting Ms. King's petition for streamline expedited release.

¹ *Petition of LGI Homes-Texas, LLC to Amend Bolivar Water Supply Corporation's Water Certificate of Convenience and Necessity in Denton County by Expedited Release*, Docket No. 49433, Finding of Fact Nos. 17-18 (Mar. 2, 2020). *Petition of Frost Bank National Bank as Trustee of the Freeman Educational Foundation to Amend the City of San Marcos' Water Certificate of Convenience and Necessity in Hays County by Expedited Release*, Docket No. 49366, Findings of Fact Nos. 17-18 (Dec. 13, 2019).

Dated: June 21, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Kourtnee Jinks
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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 June 21, 2021 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kourtnee Jinks
Kourtnee Jinks

Public Utility Commission of Texas

Memorandum

TO: Kourtnee Jinks, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: June 21, 2021

RE: Docket No. 51842 – *Petition of Bernadine C. King, Trustee of the Hinsvark Family Trust to Amend Aqua Texas Inc.'s Certificate of Convenience and Necessity in Bastrop County by Expedited Release*

On February 26, 2021, Bernadine C. King, Trustee of the Hinsvark Family Trust (Hinsvark Family Trust) filed an application for streamlined expedited release from Aqua Texas, Inc.'s (Aqua Texas) sewer certificate of convenience and necessity (CCN) No. 21116 in Bastrop County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). The Hinsvark Family Trust asserts that the land is at least 25 contiguous acres, is not receiving sewer service, and is located in Bastrop County, which is a qualifying county.

The Hinsvark Family Trust submitted adequate maps delineating the tract of land area for expedited release with enough detail to confirm the accurate positioning of its digital data under 16 TAC § 24.245(k). Tracy Montes, Infrastructure Division, determined the map and digital data are sufficient for determining the location of the area considered for expedited release is within Aqua Texas' sewer CCN No. 21116. The total property is approximately 269 acres. The requested area to be released from Aqua Texas' CCN No. 21116 is approximately 217.9 acres.

Aqua Texas requested to intervene in the docket and the request was granted. Aqua Texas stated facilities are in place to serve growth in the vicinity of the property and that it has made other planning efforts to ensure its sewer system meets the needs of its service area.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), the Hinsvark Family Trust has met the Commission's requirements to allow for the release of the requested area from Aqua Texas' CCN No. 21116. Therefore, I recommend approval of the petition. Enclosed is a final map and certificate for Commission approval.

Additionally, I recommend that a final map and certificate be provided to the CCN holder.



Public Utility Commission of Texas

By These Presents Be It Known To All That

Aqua Texas, Inc.

having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Aqua Texas, Inc. is entitled to this

Certificate of Convenience and Necessity No. 21116

to provide continuous and adequate sewer utility service to that service area or those service areas in Bastrop, Burnet, Hays, Travis, and Williamson Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51842 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Aqua Texas, Inc. to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Aqua Texas, Inc.
Portion of Sewer CCN No. 21116
PUC Docket No. 51842
Petition by Bernadine C. King of the Kinsvark Family Trust to Amend
Aqua Texas, Inc.'s CCN by Expedited Release in Bastrop County



Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

Sewer CCN

 21116 - Aqua Texas Inc

 Area Released

 Property Boundary

0 500 1,000
Feet



Map by: Komal Patel
Date created: May 20, 2021
Project Name: 51842Aqua.mxd