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DOCKET NO. 51842

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

**AQUA'S RESPONSE TO PETITIONER'S MOTION TO STRIKE
AQUA'S SUPPLEMENTAL RESPONSE**

Aqua Texas, Inc. (Aqua) files this Response to Petitioner's Motion to Strike Aqua's Supplemental Response.¹ In support, Aqua shows as follows.

Aqua filed a supplemental response to the Petition on June 25, 2021 after errors were identified in its initial response which was timely filed.² Aqua's response effectively amended its initial response. In this particular instance, the pleading amendment was allowed by Commission rule 16 TAC § 22.76(a)(1) without leave.³ Aqua notes that no administrative procedure act hearing is allowed for streamlined expedited release (SER) proceedings or public notice beyond the initial notice of the SER petition filing to the CCN holder, and, therefore, other parts of 16 TAC § 22.76 that might require leave do not apply.

Aqua was merely attempting to maintain candor with the Commission and correct errors identified as discussed in its supplemental response. Such efforts do not warrant the relief sought by Petitioner in the form of striking the supplemental response from the record. Aqua believes the Commission has an interest in operating based on the most accurate record possible. Aqua's corrections do not affect its legal arguments as originally filed for the Commission's consideration.

¹ Petitioner's Motion to Strike Aqua Texas' Supplemental Response (Jun. 25, 2021).

² Compare Aqua's Supplemental Response to Petition of Bernadine C. King, Trustee of the Hinsvark Family Trust for Streamlined Expedited Release (Jun. 25, 2021), with Aqua Texas, Inc.'s Response to Petition of Bernadine C. King, Trustee of the Hinsvark Family Trust for Streamlined Expedited Release (Jun. 7, 2021).

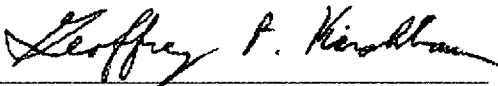
³ 16 TAC § 22.76(a)(1).

Aqua would also urge the Commission to consider the fact that the SER process by its very nature creates operational difficulties for CCN holder responses due to its expedited nature. CCN holders do not initiate SER petitions and do not even find out if the Commission will accept them as administratively complete until well after they are filed. Here, for example, the Petitioner was permitted to file additional maps and information nearly two months after its initial SER filing.⁴ CCN holders need Commission leeway in their SER response efforts too. There is good cause to do so here.⁵

CONCLUSION AND PRAYER

Aqua respectfully requests the Commission deny the Petitioner's Motion to Strike. Further, Aqua requests the Commission deny the Petition because the Property receives sewer service from Aqua precluding SER under TWC § 13.2541. Alternatively, if the Commission approves the Petition, Aqua seeks just and adequate compensation for the decertification of a portion of its sewer CCN No. 21116. Aqua also seeks all and further relief to which it may be justly entitled at law or in equity.

Respectfully submitted,

By: 

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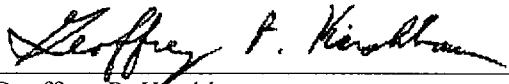
ATTORNEY FOR AQUA TEXAS, INC.

⁴ Petitioner's First Addendum to Petition Transmitting Electronic Mapping Information (Apr. 23, 2021).

⁵ See 16 TAC § 22.5(b).

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 28, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.



Geoffrey P. Kirshbaum