



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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2021 MAY 13 PM 2:35  
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FILING CLERK

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS**

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) No. 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. Petitioner filed amended information on April 23, 2021.

On March 31, 2021, Order No. 2 was filed establishing a deadline of May 13, 2021, for Staff of the Public Utility Commission of Texas (Staff) to file a supplemental recommendation on administrative completeness, along with a proposed procedural schedule, if appropriate. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the supplemented petition and, as detailed in the attached memorandum from Patricia Garcia of the Commission's Infrastructure Division, Staff recommends that the petition be found administratively complete. Specifically, the petition contains all of the necessary information and supporting documentation required under 16 TAC § 24.245(h)(3). Order No. 2 deemed Petitioners' notice sufficient.

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## II. PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes that the procedural schedule below. Under 16 TAC § 24.245(h)(7), there is an expedited statutory deadline of 60 days for approval that begins once the ALJ files an order finding the petition administratively complete. Therefore, Staff proposes that the ALJ populate the dates to conform with the date the order is filed.

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' 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
<b><i>In the event streamlined expedited release is granted and petitioner and Aqua Texas can select an agreed-upon appraiser</i></b>	
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
<b><i>In the event streamlined expedited release is granted and petitioner and Aqua Texas are unable to select an agreed-upon appraiser</i></b>	

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 <sup>1</sup>	Within 10 days after the Commission approves streamlined expedited release <sup>2</sup>
Deadline for reports from petitioner's appraiser and Aqua Texas' appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Staff's appraiser's report	Within 100 days after the Commission Deadline for Staff's appraiser's report 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

### III. CONCLUSION

For the reasons detailed above, Staff respectfully requests that an order be issued that (1) finds the petition administratively complete and (2) adopts the above proposed procedural schedule.

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<sup>1</sup> TWC § 13.2541(1).

<sup>2</sup> 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.

Dated: May 13, 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 via electronic mail on May 13, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kourtnee Jinks  
Kourtnee Jinks

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Kourtnee Jinks, Attorney  
Legal Division

**FROM:** Patricia Garcia, Senior Engineering Specialist  
Infrastructure Division

**DATE:** May 13, 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*

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On February 26, 2021, Bernadine C. King, Trustee of the Hinsvark Family Trust (Ms. King) 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). Ms. King 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.

Ms. King submitted a sworn affidavit attesting that the property was not receiving sewer service from Aqua Texas and a warranty deed confirming Ms. King's ownership of the tract of land. Additionally, Ms. King submitted sufficient maps and digital data for determining the location of the requested release area within Aqua Texas's certificated service area. The total property is approximately 269 acres. The requested area to be released from Aqua Texas, Inc., CCN No. 21116, is approximately 217.9 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. On March 31, 2021, Aqua Texas submitted a request to intervene.

Based on the mapping review by Tracy Montes and my technical and managerial review of the information provided by Ms. King on April 23, 2021, I recommend the petition be deemed administratively complete and accepted for filing.