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DOCKET NO. 51955

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

**PETITION OF AQUA TEXAS, INC. §
AND PARKER COUNTY SPECIAL §
UTILITY DISTRICT FOR APPROVAL §
OF SERVICE AREA CONTRACT §
UNDER TEXAS WATER CODE § 13.248 §
AND TO AMEND CERTIFICATES OF §
CONVENIENCE AND NECESSITY IN §
PARKER COUNTY - ESTANCIA**

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND PROPOSED PROCEDURAL SCHEDULE**

On March 3, 2021, Aqua Texas, Inc. (Aqua Texas) and Parker County Special Utility District (PCUSD) filed a petition for a service-area contract under Texas Water Code (TWC) § 13.248 and to amend their water certificates of convenience and necessity (CCN) in Parker County related to the Estancia development. With this application, PCSUD agrees to transfer a portion of its water service area under CCN number 12313 to Aqua Texas under water CCN number 13201.

I. COMMENTS ON ADMINISTRATIVE COMPLETENESS

Staff for the Public Utility Commission (Staff) has reviewed the petition, and, as supported by the attached memorandum of Pai Liu of the Infrastructure Division, recommends that it satisfies the requires of TWC § 13.248 and 16 Texas Administrative Code (TAC) § 24.253. Therefore, Staff recommends that application be deemed administratively complete.

II. NOTICE

Notice in this matter is governed by 16 TAC § 24.253(c). Under this section, two forms of notice may potentially be required. First, if affected customers will be transferred as part of the contract, then notice must be provided to those customers. As stated in the application, there are no affected customers. As such, Staff recommends that this notice provision is inapplicable.

Second, if the decision to enter into a contract was discussed at a meeting of a city council, a water supply or sewer service corporation's board, district board, county commissioner's court, or other regulatory authority, a copy of the meeting agenda and minutes for the meeting during which the item was discussed may be considered sufficient notice. If notice was provided in accordance with either of these two methods, both parties to the contract shall ensure that the following are filed with the commission: an affidavit attesting to the date that notice was provided and copies of the notice that was sent.

Both the meeting agenda and the minutes for the applicable PCUSD meeting from December 17, 2020 where the decision to enter into the service-area contract was discussed, were filed as notice of the petition. An affidavit attesting to notice, signed by a representative from PCUSD, was also filed with the petition.

Consequently, Staff recommends that the Petitioners have satisfied the notice requirements of 16 TAC § 24.253(c).

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for further processing of this docket:

Event	Date
Deadline for intervention	May 13, 2021
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to Petitioners for review and consent	June 13, 2021
Deadline for Petitioners to file signed consent forms with the Commission	June 28, 2021
If no hearing is requested, deadline for Staff to file a final recommendation on the petition	July 7, 2021
If no hearing is requested, deadline for the parties to file joint proposed findings of fact, including findings that address the factors in Texas Water Code § 13.246(c), and conclusions of law	July 14, 2021

IV. CONCLUSION

For the foregoing reasons, Staff respectfully recommends that an order be issued deeming the application administratively complete, and notice sufficient, and adopting the proposed procedural schedule.

Dated: April 29, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Phillip Lehmann
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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 on April 29, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Phillip Lehmann
Phillip Lehmann

Public Utility Commission of Texas

Memorandum

TO: Phillip Lehmann, Attorney
Legal Division

FROM: Pai Liu, Policy Advisor
Infrastructure Division

DATE: April 12, 2021

RE: Docket No. 51955 – *Petition of Aqua Texas, Inc. and Parker County Special Utility District for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend a Certificate of Convenience and Necessity in Parker County - Estancia*

On March 30, 2021, Aqua Texas Inc. (Aqua Texas) and Parker County Special Utility District (Parker County SUD) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend the Aqua Texas's water certificate of convenience and necessity (CCN) No. 13201 and Parker County SUD's water CCN No. 12313 in Parker County, Texas. The Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Specifically, Aqua Texas and Parker County SUD entered into a contractual agreement which permits Aqua Texas to provide water services within the agreed upon water certificated service area. The Petitioners will not transfer customers, assets, or facilities under the terms of the agreement. The requested area includes 0 current customers and approximately 45 acres, comprised of 45 acres of transferred area from CCN No. 12313.

Based on the mapping review by Gary Horton, Infrastructure Division, and my technical and managerial review of the information filed by the Petitioners, I recommend that the petition be deemed administratively complete.