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DOCKET NO. 51956

PETITION OF AQUA TEXAS, INC.	§	BEFORE THE PUBLIC UTILITY
AND PARKER COUNTY SPECIAL	§	
UTILITY DISTRICT FOR APPROVAL	§	COMMISSION OF TEXAS
OF SERVICE AREA CONTRACT	§	
UNDER TEXAS WATER CODE § 13.248	§	
AND TO AMEND CERTIFICATES OF	§	
CONVENIENCE AND NECESSITY IN	§	
PARKER COUNTY – SADDLE CLUB	§	
ESTATES		

JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

I. BACKGROUND

On March 30, 2021, Aqua Texas, Inc. (Aqua) and Parker County Special Utility District (PCSUD) (collectively, Applicants) filed an application under Texas Water Code (TWC) § 13.248 and 16 Texas Administrative Code (TAC) § 24.253 for approval of a service area contract and to amend their water certificates of convenience and necessity (CCN) in Parker County. PCSUD holds water CCN No. 12313 and Aqua holds water CCN No. 13201. Order No. 4, filed on September 23, 2021, required that Aqua, PCSUD, and the Staff (Staff) of the Public Utility Commission of Texas (Commission) (collectively, the Parties) file joint proposed findings of fact, corresponding conclusions of law, and ordering paragraphs by September 30, 2021. This pleading is therefore timely filed.

II. JOINT MOTION TO ADMIT EVIDENCE

The Parties move to admit the following evidence into the record of this proceeding:

- (a) Aqua and PCSUD's application for approval of a service area contract filed on March 30, 2021 (AIS Item No. 1);
- (b) Commission Staff's Recommendation on Administrative Completeness and Proposed Procedural Schedule filed on April 29, 2021 (AIS Item No. 3);
- (c) Aqua's Response to Order No. 2 filed on May 25, 2021 (AIS Item No. 5);
- (d) Commission Staff's Supplemental Recommendation on Administrative Completeness, Notice, and Proposed Procedural Schedule (AIS Item No. 6);
- (e) Aqua's Affidavit of Customer Notice filed on July 26, 2021 (AIS Item No. 8);
- (f) PCSUD's consent form filed on August 30, 2021 (AIS Item No. 9); and
- (g) Aqua's consent form filed on September 9, 2021 (AIS Item No. 10).

- (h) Commission Staff's final recommendation filed on September 16, 2021 (AIS Item No. 11)
- (i) Aqua's supplemental consent form filed on September 22, 2021 (AIS Item No. 12).
- (j) PCSUD's supplemental consent form filed on September 27, 2021 (AIS Item No. 15).
- (k) Final Certificates and maps attached to the Joint Notice of Approval.

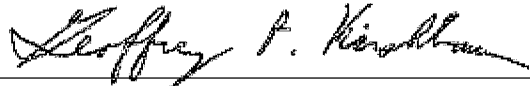
III. PROPOSED NOTICE OF APPROVAL

The Parties move for adoption of the attached Joint Proposed Notice of Approval, which would grant approval of Applicants' service area contract and accompanying amendments to transfer service area from PCSUD to Aqua's water CCN number 13201. The Parties request that the Commission adopt the findings of fact, conclusions of law, and ordering paragraphs proposed in the Notice of Approval.

IV. CONCLUSION

The Parties respectfully request that the Commission grant their Motion to Admit Evidence and adopt the attached Proposed Notice of Approval.

Respectfully submitted,



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SPECIAL UTILITY DISTRICT**

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
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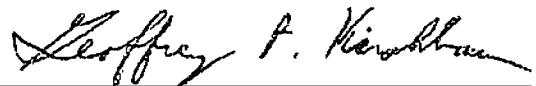
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CERTIFICATE OF SERVICE

I hereby 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 September 30, 2021 in accordance with the Orders Suspending Rules issued in Project No. 50664.



Geoffrey P. Kirshbaum

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PARKER COUNTY – SADDLE CLUB	§	
ESTATES	§	

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application by Aqua Texas, Inc. (Aqua) and Parker County Special Utility District (PCSUD) (collectively, Applicants) for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend water certificates of convenience and necessity (CCNs) in Parker County (Application or Petition). The Petition seeks enforcement of an agreed transfer of approximately 47 acres of property within the water service area of PCSUD CCN number 12313 to the water service area of Aqua CCN number 13201. The Commission approves the service area contract and amends water CCN numbers 12313 and 13201 accordingly.

I. FINDINGS OF FACT

The Commission adopts the following findings of fact and conclusions of law:

Applicants

1. Aqua Texas, Inc. is a retail public utility that provides retail water utility service in Parker County under CCN number 13201.
2. Aqua Texas, Inc. is a domestic for-profit corporation registered with the Texas Secretary of State under file number 800304878.
3. Parker County Special Utility District is special utility district organized and operating under Texas Special District Local Laws Code, Chapter 7202, Texas Water Code, Chapters 49 and 65, and Section 59 Article XVI of the Texas Constitution that provides retail water utility service in Parker and Palo Pinto Counties under CCN number 12313.

Application

4. On March 25, 2021, Aqua and PCSUD entered into an agreement (the service area contract) pursuant to TWC § 13.248 and 16 Texas Administrative Code (TAC) § 24.253, whereby they agreed to transfer approximately 47 acres of land currently served by Aqua in Parker County located within PCSUD CCN number 12313 to Aqua CCN number 13201.
5. On March 30, 2021, Aqua and PCSUD jointly filed the Petition at issue in this proceeding for approval of the service area contract and its enforcement by the Commission by amending Aqua CCN number 13201 and PCSUD CCN number 12313 to reflect the agreed transfer of 47-acres of water service area from PCSUD to Aqua.
6. The Petition included a copy of the service area contract executed by Aqua and PCSUD.
7. PCSUD has no existing customers within the 47 acres of water service area that will be transferred from PCSUD to Aqua.
8. There are no PCSUD facilities within the 47 acres of water service area that will be transferred from PCSUD to Aqua.
9. There are 11 customers currently being provided service by Aqua within the requested 47 acres of water service area to be transferred.
10. There will be no transfer of water system assets, facilities, or customers between Aqua and PCSUD as a result of the service area contract or Application.
11. In Order No. 3 filed on July 8, 2021, the administrative law judge (ALJ) found the Application administratively complete.
12. In Order No. 4 filed on September 23, 2021, the ALJ granted the parties' joint motion for extension of time, requiring 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 by September 30, 2021.

Notice

13. Commission Staff indicated in its recommendation filed on April 29, 2021 that customer notice requirements found in 16 TAC § 24.253(c)(2)-(3) are applicable

because PCSUD's decision to enter Applicants' service area contract was discussed at a PCSUD board meeting.

14. On December 17, 2020, PCSUD's board of directors considered and approved the service-area contract at a public meeting.
15. The application included a copy of the agenda and minutes from the December 17, 2020 PCSUD's board of directors meeting as well as a supporting affidavit from Cole Leatherman, PCSUD board president.
16. Commission Staff indicated in its recommendation filed on April 29, 2021 that customer notice requirements found in 16 Texas Administrative Code (TAC) § 24.253(c)(1) are applicable because there are affected customers in the service areas to be transferred.
17. In Order No. 3 filed on July 8, 2021, following Commission Staff's June 28, 2021 recommendation, the presiding ALJ found that the Application was administratively complete and directed Applicants to provide notice of the petition.
18. On July 26, 2021, Aqua filed its Affidavit of Notice to Current Customers, Neighboring Utilities, and Affected Parties.

Certificates and Maps

19. On August 26, 2021, Commission Staff emailed its proposed maps and certificates to the Applicants.
20. On August 30, 2021, and on September 9, 2021, PCSUD and Aqua filed consents to the proposed maps and the applicable certificates.
21. On September 21, 2021, Commission Staff provided a revised consent form and certificate, correcting the consent form and certificate previously provided to Aqua to reflect that Aqua does not currently have a system in Taylor County.
22. On September 22, 2021, Aqua filed its revised consent form, which was also filed as an attachment to the joint motion to admit evidence.
23. On September 27, 2021, Commission Staff provided a revised consent form and certificate, correcting the consent form and certificate previously provided to PCSUD to reflect that PCSUD's CCN No. 12313 stated its duty to provide continuous and adequate service in both Palo Pinto and Parker County as by Final Order.

24. On September 27, 2021, PCUSD filed its revised consent form, which was also filed as an attachment to the joint motion to admit evidence.
25. On September 30, 2021, the proposed maps and certificates were filed as attachments to the joint motion to admit evidence.

Evidentiary Record

26. On September 30, 2021, the parties filed a joint motion to admit evidence and proposed notice of approval.
27. On _____, 2021, Order No. 4 was issued, admitting the following evidence into the record of this proceeding: (a) Aqua and PCSUD's application for approval of a service area contract, filed on March 30, 2021 (AIS Item No. 1); (b) Commission Staff's Recommendation on Administrative Completeness and Proposed Procedural Schedule filed on April 29, 2021 (AIS Item No. 3); (c) Aqua's Response to Order No. 2 filed on May 25, 2021 (AIS Item No. 5); (d) Commission Staff's Supplemental Recommendation on Administrative Completeness, Notice, and Proposed Procedural Schedule (AIS Item No. 6); (e) Aqua's Affidavit of Customer Notice filed on July 26, 2021 (AIS Item No. 8); (f) PCSUD's consent form filed on August 30, 2021 (AIS Item No. 9); (g) Aqua's consent form filed on September 9, 2021 (AIS Item No. 10); (h) Commission Staff's final recommendation filed on September 16, 2021 (AIS Item No. 11); (i) Aqua's supplemental consent form filed on September 22, 2021 (AIS Item No. 12); and (k) PCUSD's supplemental consent form filed on September 27, 2021 (AIS Item No. 15).

Informal Disposition

23. More than 15 days have passed since the completion of the notice provided in this docket.
24. No person filed a protest or motion to intervene.
25. Aqua, PCSUD, and Commission Staff are the only parties to this proceeding.
26. No party requested a hearing and no hearing is needed
27. Commission Staff recommended approval of the Application.

28. This decision is not adverse to any party.

II. CONCLUSIONS OF LAW

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction and authority over the application pursuant to Texas Water Code (TWC) §§ 13.041 and 13.248.
2. Aqua and PCSUD are retail public utilities as defined in TWC § 13.002(19) and 16 TAC § 24.3(31).
3. The Commission processed the application in accordance with the Administrative Procedure Act,¹ the TWC, and Commission rules.
4. Under TWC § 13.248, contracts between retail public utilities designating areas to be served by those retail public utilities, when approved by the Commission, are valid, enforceable, and incorporated into the affected CCNs.
5. The Application meets the requirements of 16 TAC § 24.253.
6. Notice of the Application complies with TWC § 13.248 and 16 TAC § 24.253.
7. Under TWC § 13.257(r) and (s), and as reflected in 16 TAC § 24.235(e), Aqua and PCSUD are required to record certified copies of the approved CCNs and maps, along with boundary descriptions of their respective service areas, in the real property records of Parker County within 31 days of receiving this Notice of Approval.
8. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. ORDERING PARAGRAPHS

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission approves the service area contract.
2. The Commission amends Aqua's water CCN number 13201 in accordance with this Notice of Approval.

¹ Tex. Gov't Code ch. 2001.

3. The Commission amends PCSUD water CCN number 12313 in accordance with this Notice of Approval.
4. The Commission approves the maps and certificates attached to this Notice of Approval.
5. Aqua Texas, Inc. must serve every customer and qualified applicant for water service within the certificated area added to water CCN number 13201, and such service must be continuous and adequate.
6. PCSUD must serve every customer and qualified applicant for water service within the certificated area of water CCN number 12313, and such service must be continuous and adequate.
7. Aqua and PCSUD must each comply with the recording requirements in TWC § 13.257(r)-(s) for the areas in Parker County affected by the application and submit to the Commission evidence of the recording no later than 45 days after receipt of this Notice.
8. The Commission denies all other motions and any other requests for general or specific relief not expressly granted herein.

SIGNED AT AUSTIN, TEXAS on the ____ day of _____, 2021.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE



Public Utility Commission of Texas

By These Presents Be It Known To All That

Aqua Texas, Inc.

having obtained certification to provide water 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. 13201

to provide continuous and adequate water utility service to that service area or those service areas in Anderson, Bosque, Camp, Cherokee, Collin, Cooke, Denton, Erath, Grayson, Gregg, Henderson, Hood, Hunt, Johnson, Kaufman, McLennan, Marion, Parker, Smith, Somervell, Tarrant, Wise, Wood as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51956 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 the 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.



Public Utility Commission of Texas

By These Presents Be It Known To All That

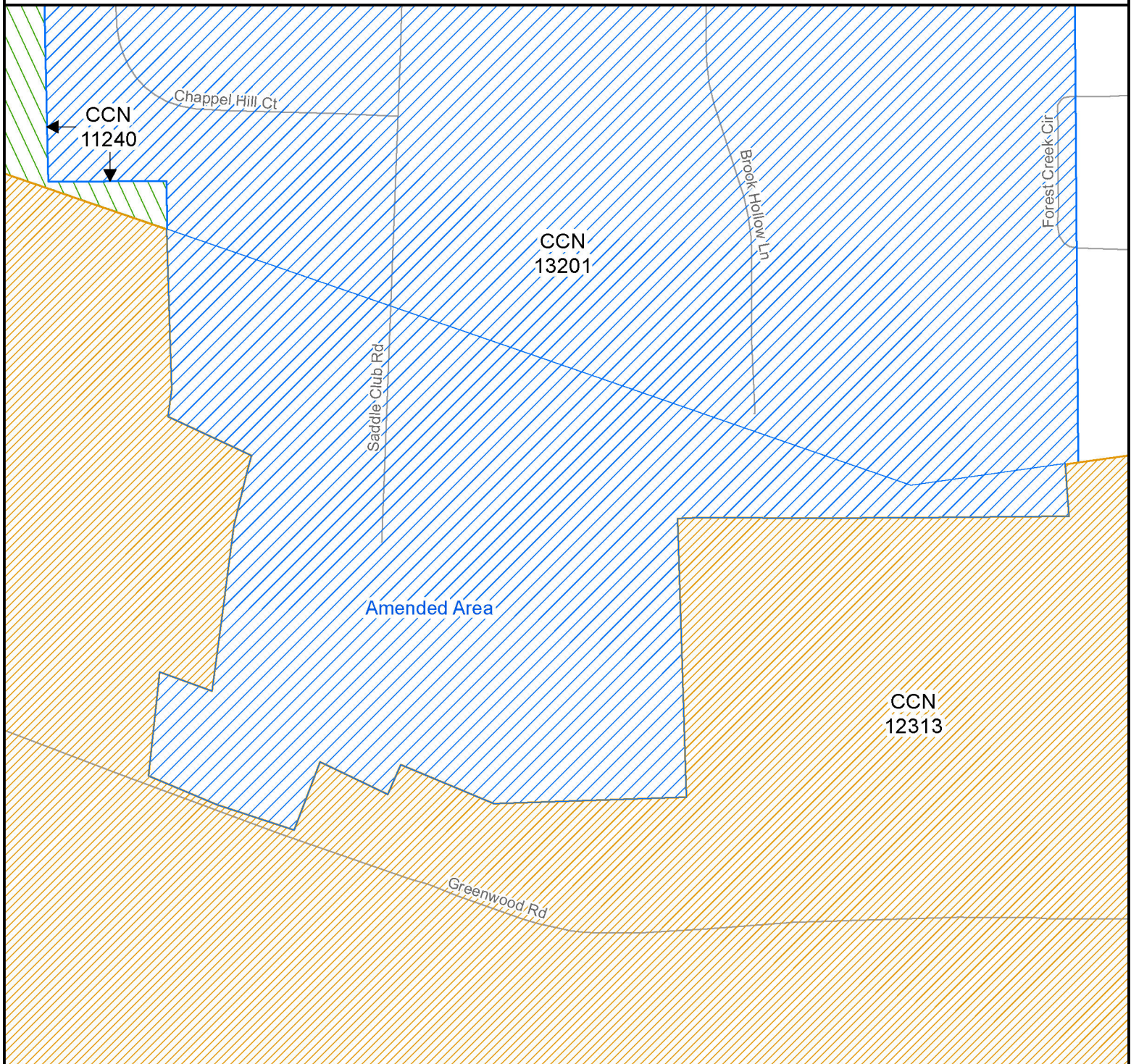
Parker County Special Utility District

having obtained certification to provide water 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, Parker County Special Utility District is entitled to this

Certificate of Convenience and Necessity No. 12313

to provide continuous and adequate water utility service to that service area or those service areas in Palo Pinto and Parker Counties as by Final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51956 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 the Parker County Special Utility District 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 Water CCN No. 13201
PUC Docket No. 51956
13.248 Agreement Amended CCN No. 13201 and
Decertified a Portion of Parker County Special Utility District, CCN No. 12313 in Parker County



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

Water CCN

-  13201 - Aqua Texas Inc
-  12313 - Parker County SUD
-  11240 - Millsap WSC

0 200 400
Feet



Map by: Komal Patel
Date: August 15, 2021
Project: 51956AquaTx.mxd