



## Filing Receipt

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**DOCKET NO. 51956**

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

**NOTICE OF APPROVAL**

This Notice of Approval addresses the petition of Aqua Texas, Inc. (Aqua) and Parker County Special Utility District (PCSUD) 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. The petition seeks to transfer approximately 47 acres from PCSUD's water service area under CCN number 12313 to Aqua's service area under 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 makes the following findings of fact.

**Applicants**

1. Aqua Texas, Inc. is a domestic for-profit corporation registered with the Texas secretary of state under file number 800304878.
2. Aqua Texas, Inc. operates, maintains, and controls facilities for providing water service in Parker County under CCN number 13201.
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 operates, maintains, and controls facilities for providing water 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 of service area from PCSUD under CCN number 12313 to Aqua's service area under 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 to amend CCN numbers 12313 and 13201.
6. Aqua and PCSUD filed supplemental information on May 25, 2021.
7. The Petition included a copy of the service area contract executed by Aqua and PCSUD.
8. PCSUD has no existing customers within the 47 acres of water service area that will be transferred from PCSUD to Aqua.
9. There are no PCSUD facilities within the 47 acres of water service area that will be transferred from PCSUD to Aqua.
10. There are 11 customers currently being provided service by Aqua within the requested 47 acres of water service area to be transferred.
11. 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.
12. In Order No. 3 filed on July 8, 2021, the administrative law judge (ALJ) found the application administratively complete.

**Notice**

13. On December 17, 2020, PCSUD's board of directors considered and approved the service-area contract at a public meeting.
14. On March 25, 2021, Aqua and PCSUD executed the service-area contract.
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. On July 26, 2021, Aqua filed its affidavit of notice to current costumers, neighboring utilities, and affected parties.
17. In Order No. 5 filed on October 7, 2021, the ALJ found the notice sufficient.

#### **Certificates and Maps**

18. On August 26, 2021, Commission Staff emailed its proposed maps and certificates to the applicants.
19. On August 30, 2021, and on September 9, 2021, PCSUD and Aqua filed consents to the proposed maps and the applicable certificates.
20. 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.
21. On September 22, 2021, Aqua filed its revised consent form, which was also filed as an attachment to the joint motion to admit evidence.
22. On September 27, 2021, Commission Staff provided a revised consent form and certificate, correcting the consent form and certificate previously provided to PCUSD to reflect that PCUSD's CCN No. 12313 stated its duty to provide continuous and adequate service in both Palo Pinto and Parker County as by Final Order.
23. On September 27, 2021, PCUSD filed its revised consent form, which was also filed as an attachment to the joint motion to admit evidence.
24. On September 30, 2021, the proposed maps and certificates were filed as attachments to the joint motion to admit evidence.

#### **Evidentiary Record**

25. On September 30, 2021, the parties filed a joint motion to admit evidence and proposed notice of approval.
26. On October 7, 2021, Order No. 6 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; (b) Commission Staff's recommendation on administrative completeness and proposed procedural schedule filed on April 29, 2021;

(c) Aqua's response to Order No. 2 filed on May 25, 2021; (d) Commission Staff's supplemental recommendation on administrative completeness, notice, and proposed procedural schedule; (e) Aqua's affidavit of customer notice filed on July 26, 2021; (f) PCSUD's consent form filed on August 30, 2021; (g) Aqua's consent form filed on September 9, 2021; (h) Commission Staff's final recommendation filed on September 16, 2021; (i) Aqua's supplemental consent form filed on September 22, 2021; and (k) PCUSD's supplemental consent form filed on September 27, 2021.

**Informal Disposition**

27. More than 15 days have passed since the completion of the notice provided in this docket.
28. No person filed a protest or motion to intervene.
29. Aqua, PCSUD, and Commission Staff are the only parties to this proceeding.
30. No party requested a hearing and no hearing is needed.
31. Commission Staff recommended approval of the Application.
32. 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 under 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,<sup>1</sup> 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.

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<sup>1</sup> Tex. Gov't Code §§ 2001.001–.903.

5. The petition meets the requirements of of TWC § 13.248 and 16 TAC § 24.253.
6. Public notice of the petition was provided in compliance with TWC § 13.248 and 16 TAC § 24.253(c).
7. Under TWC § 13.257(r) and (s), Aqua and PCSUD must each record a certified copy of its approved map and certificate, along with a boundary description of its service area, in the real property records of Parker County within 31 days of receiving this Notice of Approval and must submit evidence of the recording to the Commission.
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.

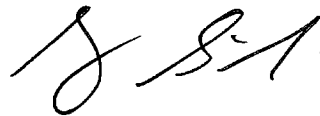
1. The Commission approves the service-area contract to the extent provided in this Notice of Approval.
2. The Commission amends PCSUD's water CCN number 12313, as described in this Notice of Approval, and as shown on the map attached to this Notice of Approval.
3. The Commission amends Aqua water CCN number 13201, as described in this Notice of Approval, and as shown on the map attached to this Notice of Approval.
4. The Commission approves the map attached to this Notice of Approval.
5. The Commission issues the certificates attached to this Notice of Approval.
6. PCSUD must provide service to every customer and qualified applicant for water service within the approved service area under CCN number 12313 that requests water service and meets the terms of PCSUD's water service, and such service must be continuous and adequate.
7. Aqua must provide service to every customer and qualified applicant for water service within the approved service area under CCN number 13201 that requests water service and

meets the terms of Aqua's water service, and such service must be continuous and adequate.

8. Aqua and PCSUD must each comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Parker County affected by the petition and must file in this docket evidence of the recording no later than 45 days after receipt of this Notice of Approval.
9. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

**Signed at Austin, Texas the 7th day of October, 2021.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**GREGORY R. SIEMANKOWSKI**  
**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**

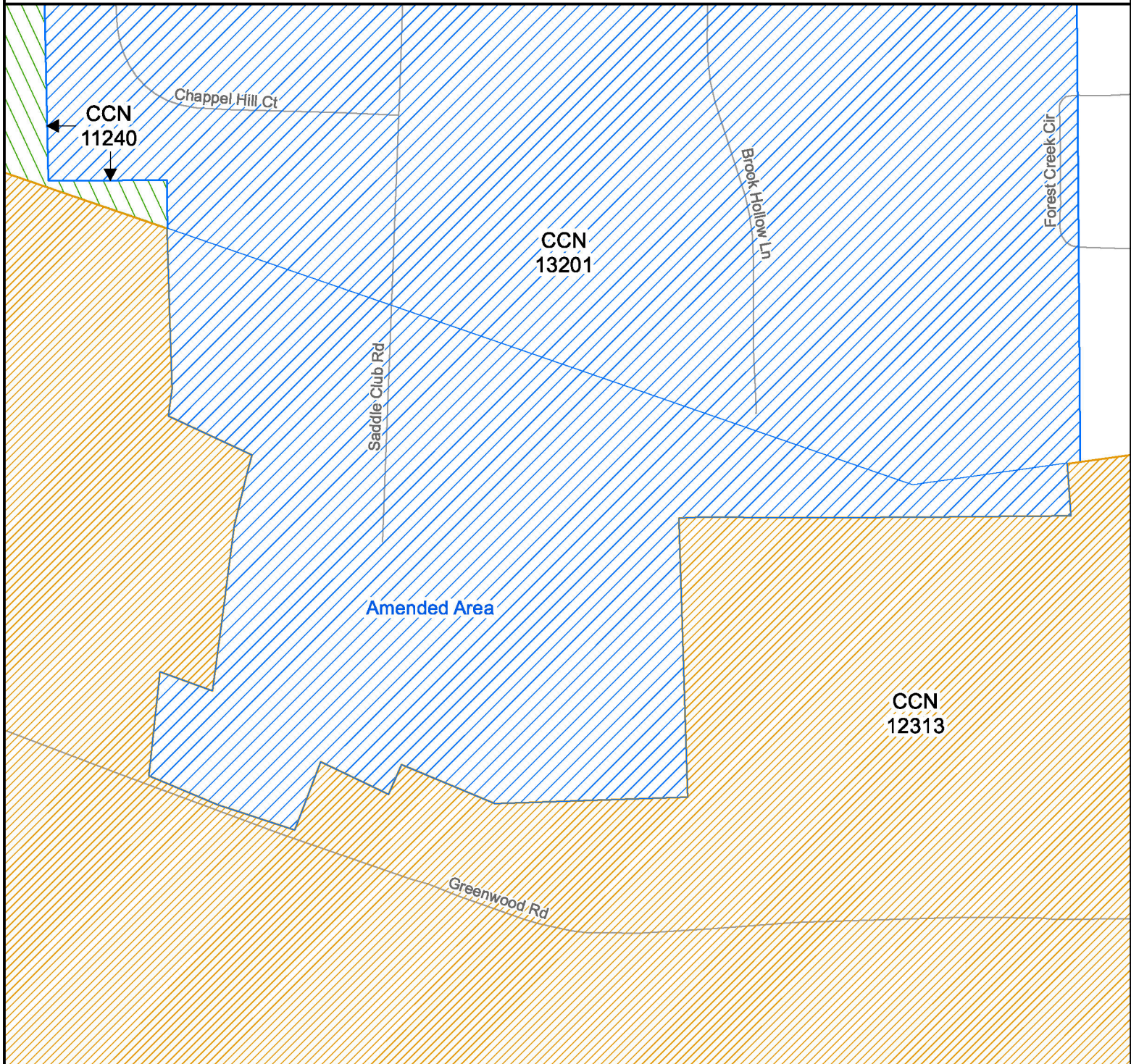
having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Parker County Special Utility District 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