



Control Number: 51956



Item Number: 3

Addendum StartPage: 0

DOCKET NO. 51956

RECEIVED

2021 APR 29 PM 2:28

**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 – SADDLE CLUB §
ESTATES**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

ACCEPTED FOR FILING
FILING CLERK

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

On March 30, 2021, Aqua Texas, Inc. (Aqua Texas) and Parker County Special Utility District (PCUSD) (collectively, Petitioners) filed a petition for approval of 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 Aqua Texas’s Saddle Club Estates Public Water System. 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 detailed in the attached memorandum of Pai Liu of the Infrastructure Division, recommends that it be found administratively incomplete at this time. Specifically, Staff has identified deficiencies in the application content. Staff respectfully requests that Petitioners be ordered to submit additional application content, as detailed in Ms. Liu’s memorandum.

II. NOTICE

In accordance with Staff’s recommendation that the petition be deemed administratively incomplete, Staff recommends that notice be found deficient as discussed in the memorandum of Ms. Liu and that Aqua Texas be ordered to provide notice to transferred customers as required under 16 TAC § 24.253(c)(1) and directed in the attached memorandum. Staff additionally recommends that notice be provided using the attached notice forms.

III. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff recommends that Petitioners be ordered to cure the deficiencies identified in Ms. Liu's memorandum by May 29, 2021, and that Staff be given a deadline of June 28, 2021 to file a supplemental recommendation on the administrative completeness of the petition.

IV. CONCLUSION

For the foregoing reasons, Staff respectfully recommends that an order be issued deeming the application administratively incomplete, and that Petitioners be ordered to file a supplement addressing the identified deficiencies by May 29, 2021.

Dated: April 29, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

Rashmin J. Asher
Managing Attorney

/s/ Phillip Lehmann
Phillip Lehmann
State Bar No. 24100140
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711
(512) 936-7385
(512) 936-7268 (facsimile)
phillip.lehmann@puc.texas.gov

DOCKET NO. 51956

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 29, 2021

RE: Docket No. 51956 – *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 Certificates of Convenience and Necessity in Parker County – Saddle Club Estates*

On March 30, 2021, Aqua Texas, Inc. (Aqua Texas) and Parker County Special Utility District (PCSUD) (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 PCSUD’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.

The Petitioners filed an agreement requesting that Aqua Texas be permitted to continue to provide retail water utility service to 11 connections that are located within PCSUD ’s water CCN No. 12313.

Specifically, Aqua Texas and PCSUD 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 assets or facilities under the terms of the agreement.

The requested area includes 11 current customers and approximately 47 acres, comprised of 47 acres of transferred area from CCN No. 12313. The result of the petition will be the addition of approximately 47 acres to CCN No. 13201. The result of the petition will be the subtraction of approximately 47 acres from CCN No. 12313.

PCSUD submitted documentation to satisfy the notice requirements under 16 TAC § 24.253(c). Specifically, PCSUD submitted a copy of the “Notice of Public Meeting” announcing the agenda and when the meeting would take place and the “Board of Directors Meeting Minutes” approving the agreement. PCSUD also provided an affidavit attesting to the date notice was posted and the date that the meeting approving the agreement transpired.

Based on the mapping review by Gary Horton, Infrastructure Division, and my technical review of the information filed by the Petitioners, I recommend that the petition be deemed administratively incomplete and not accepted for filing due to the deficiency detailed below:

Petition Content:

The following deficiency must be remedied:

- Under 16 TAC § 24.253(c)(1), the Petitioners must provide a copy of customer notices. The notice must contain the current rates, the effective date those rates were instituted, and any other information required by the commission.

In order to resolve this deficiency, I recommend Aqua Texas be ordered to do the following:

- 1) Provide notice of the application by first-class mail to the following:
 - a. Any affected customers in the requested area.
- 2) Provide notice using the attached notice forms. Be sure to add the current rates for the proposed area and the effective date of the current rates.
- 3) Provide a copy of the maps submitted with the petition delineating the requested area with each individual notice to the affected customers.
- 4) File in the docket a copy of notice and the maps mailed to the customers along with the signed affidavit specifying every customer that received a copy of the notice and the date that the notice was provided.

Notice to Customers

**NOTICE OF PETITION OF AQUA TEXAS, INC. AND
PARKER COUNTY SPECIAL UTILITY DISTRICT FOR APPROVAL OF A
SERVICE AGREEMENT AND TO PROVIDE WATER UTILITY SERVICE IN
PARKER COUNTY, TEXAS.**

To: _____
(Name of Neighboring systems, Customers, Cities)

(Address)

(City State Zip)

Date Notice Mailed: _____, 20__

Aqua Texas, Inc. (Aqua) and Parker County Special Utility District (PCSUD) have filed a petition with the Public Utility Commission of Texas for approval of a service agreement pursuant to TWC §13.248 and to amend Aqua’s Certificate of Convenience and Necessity (CCN) No. 13201 and PCSUD’s CCN No. 12313 for the provision of retail water in Parker County, Texas.

The requested area includes 11 current customers, is located approximately 5 mile(s) west of downtown Weatherford, Texas, and is generally bounded on the north by Chappel Hill Court and the terminus of Brook Hollow Lane; on the east by Patrick Creek; on the south by Greenwood Road; and on the west by Green Gables Lane.

The requested area includes approximately 47 acres, comprised of 47 acres of transferred area (from CCN No. 12313).

The result of the petition will be the addition of approximately 47 acres to CCN No. 13201.

The result of the petition will be the subtraction of approximately 47 acres from CCN No. 12313.

The current water rates for Aqua Texas, Inc. are:

<u>Meter Size</u>	<u>Monthly Minimum Charge</u> (Includes <# of gallons in base rate> gallons all meters)	<u>Gallonage Charge</u>
5/8"	<Rate>	\$<Rate> per 1,000 gallons over <# of gallons in base rate>
3/4"	<Rate>	
1"	<Rate>	
1½"	<Rate>	
2"	<Rate>	
3"	<Rate>	
4"	<Rate>	
6"	<Rate>	
8"	<Rate>	
10"	<Rate>	
12"	<Rate>	

The rates have been effect since <Effective date of current rates>.

See enclosed map of the requested area.

You may request a public hearing. A request for a public hearing must be in writing and include:

- (1) your name, mailing address, and daytime telephone number;
- (2) the Utility name, docket number or another recognizable reference to this application;
- (3) the statement, "I/we request a public hearing";
- (4) a brief description of how you or the persons you represent would be adversely affected by the granting of the application for a CCN; and
- (5) your proposed adjustment to the application which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written request will receive notice if a hearing is scheduled.

Si desea información en español, puede llamar al 1-888-782-8477.

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND
AFFECTED PARTIES
DOCKET NO. **51956**

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual notice to the
following entities and customers:

DATE OF NOTICE

OATH

I, _____, being duly sworn, file this form as
_____ (indicate relationship to applicant, that is, owner,
member of partnership, title of officer of corporation, or other authorized representative of applicant); that in
such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the
notices given with this application, and have complied with all notice requirements in the application and
application acceptance letter; and that all such statements made and matters set for therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its'
attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____, to certify
which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____