



Control Number: 51956



Item Number: 6

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DOCKET NO. 51956

**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
PARTKER COUNTY – SADDLE CLUB
ESTATES**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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

I. BACKGROUND

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.

On May 3, 2021, Order No. 2 was filed, requiring Staff to file a supplemental recommendation regarding the administrative completeness of the petition and notice, along with a proposed procedural schedule by June 28, 2021. This pleading, therefore, is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff (Staff) for the Public Utility Commission (Commission) has reviewed the petition, and, as detailed in the attached memorandum of Pai Liu of the Infrastructure Division, recommends that the petition satisfies the requirements of TWC § 13.248 and 16 TAC § 24.253. Therefore, Staff recommends that the petition be deemed administratively complete.

III. PROPOSED NOTICE

Staff recommends that proposed notice be deemed sufficient and that Petitioners be ordered to issue notice to customers as proposed. Under 16 TAC § 24.253(c)(2), if a regulatory authority's board decides to enter into a contract at a duly posted meeting, then the meeting agenda and

minutes of the meeting can serve as notice. The meeting agenda and minutes for the applicable Parker County Special Utility District Board of Directors meeting were filed as notice of the petition. An affidavit attesting to notice, signed by a representative from PCUSD was also filed with the petition. However, under 16 TAC § 24.253(c)(1), if affected customers will be transferred as part of the contract, then individual notice shall be provided to the affected customers by mail, e-mail, or hand delivery. The notice must contain the current rates, the effective date those rates were instituted, and any other information required by the Commission. Petitioners must provide such notice as required by this rule and as detailed in Ms. Liu's memorandum.

IV. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

| Event | Date |
|---|--------------------------------|
| Deadline for Petitioners to file affidavit of notice | July 26, 2021 |
| Deadline for intervention | 30 days after notice is issued |
| Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to Petitioners for review and consent | August 26, 2021 |
| Deadline for Petitioners to file signed consent forms with the Commission | September 9, 2021 |
| If no hearing is requested, deadline for Staff to file a final recommendation on the petition | September 16, 2021 |
| If no hearing is requested, deadline for the parties to file joint proposed findings of fact, including findings that address the factors of Texas Water Code § 13.246(c), and conclusions of law | September 23, 2021 |

V. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the foregoing recommendation, finding the application and proposed notice sufficient, ordering the Petitioners to proceed with notice, and adopting the proposed procedural schedule.

Dated: June 28, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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Division Director

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/s/ Phillip Lehmann
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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 June 28, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Phillip Lehmann
Phillip Lehmann

Public Utility Commission of Texas

Memorandum

TO: Phillip Lehmann, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: June 28, 2021

RE: Docket No. 51956 – *Petition of Aqua Texas, Inc. and Parker County Special Utility District (PCSUD) 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*

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 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 petition proposes the addition of approximately 47 acres to CCN No. 13201 and the subtraction of approximately 47 acres from CCN No. 12313.

On May 25, 2021, Aqua Texas submitted the proposed notice it will send to customers.

Based on the mapping review by Gary Horton, Infrastructure Division, and my technical and managerial review of the additional information filed by the Petitioners on May 25, 2021, I recommend that the petition be deemed administratively complete. I further recommend Aqua be ordered to do the following:

- 1) Provide notice of the application by first-class mail to the affected customers in the requested area.
- 2) Provide notice using the attached notice forms.
- 3) Provide a copy of the map(s) deemed sufficient during administrative review delineating the requested area with each individual notice to the affected customers.
- 4) File in the docket a copy of notice and the map(s) deemed sufficient during administrative review 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)

Date Notice Mailed: _____, 20__

(Address)

(City State Zip)

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>Minimum Monthly Charges</u> | <u>Gallonage Charge</u> |
|-------------------|---------------------------------|---|
| | (Includes 0 gallons all meters) | |
| 5/8" x 3/4" | <u>\$45.06</u> | <u>\$2.85</u> per 1000 gallons from 1 to 5,000 gallons |
| 1" | <u>\$112.65</u> | <u>\$4.95</u> per 1,000 gallons from 5,001 to 10,000 gallons |
| 1½" | <u>\$225.30</u> | <u>\$7.13</u> per 1,000 gallons from 10,001 gallons to 20,000 gallons |
| 2" | <u>\$360.48</u> | <u>\$7.60</u> per 1,000 gallons from 20,001 and over |
| 3" | <u>\$720.96</u> | |
| 4" | <u>\$1,126.50</u> | |
| 6" | <u>\$2,253.00</u> | |
| 8" | <u>\$3,604.80</u> | |
| 10" | <u>\$5,181.90</u> | |
| 12" | <u>\$9,687.90</u> | |

Regional Pass-Through Gallonage Charge:.....\$0.4224 per 1,000 gallons
(Effective March 1, 2021)

Federal Tax Change Credit Rider:(7.23%) of the monthly retail bill
(Effective May 1, 2018)

Federal Tax Change Credit Rider:(5.20%) of the monthly retail bill
(Effective January 1, 2019)

Monthly Minimum Charge for any meter size larger than 12" will be calculated using American Water Works Association (AWWA) approved meter equivalency factors.

The minimum monthly charges have been in effect since January 1, 2013.

The gallonage charges have been in effect since January 1, 2015.

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 _____