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**DOCKET NO. 52004**

**PETITION OF D.P.S.F.L.P. LTD TO § PUBLIC UTILITY COMMISSION**  
**AMEND AQUA TEXAS, INC.'S §**  
**CERTIFICATE OF CONVENIENCE § OF TEXAS**  
**AND NECESSITY IN MONTGOMERY §**  
**COUNTY BY EXPEDITED RELEASE §**

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
PROOF OF NOTICE**

On April 9, 2021, D.P.S.F.L.P. Ltd. (DPSFLP) filed a petition to amend Aqua Texas, Inc.'s (Aqua Texas) water certificate of convenience and necessity (CCN) in Montgomery County by streamlined expedited release. DPSFLP seeks the expedited release of the 303-acre portion of a tract totaling 343 acres that lies within Aqua Texas's CCN number 13203.

On May 18, 2021, the administrative law judge (ALJ) filed Order No. 3, requiring the Staff of the Public Utility Commission of Texas (Staff) to file a supplemental recommendation on DPSFLP's proof of notice on or before June 1, 2021. Therefore, this pleading is timely filed.

**I. SUPPLEMENTAL RECOMMENDATION ON NOTICE SUFFICIENCY**

Under 16 Texas Administrative Code (TAC) § 24.245(h)(3)(F), the landowner must provide proof that a copy of the petition was mailed to the current CCN holder via certified mail on the day that the landowner filed the petition with the Commission. On May 27, 2021, DPSFLP filed proof of notice. The affidavit of Pam Steward, signed on May 18, 2021, includes an attachment demonstrating that notice of the petition was mailed to Aqua Texas via certified mail on May 11, 2021. While the petition was submitted by DPSFLP on April 9, 2021, Aqua Texas has intervened in this case and has been granted intervenor status by order of the ALJ. Therefore, Staff recommends that the notice is materially sufficient.

**II. CONCLUSION**

For the reasons detailed above, Staff respectfully recommends that the notice provided by DPSFLP be deemed sufficient. Staff will file its final recommendation pursuant to the procedural schedule adopted in Order No. 3.

Dated: June 1, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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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 via electronic mail on June 1, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin R. Bartz  
Kevin R. Bartz