



Control Number: 52048



Item Number: 7

Addendum StartPage: 0

DOCKET NO. 52048

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**APPLICATION OF THE CITY OF §
JUSTIN AND AQUA TEXAS, INC. FOR §
APPROVAL OF SERVICE AREA §
CONTRACT UNDER TEXAS WATER §
CODE § 13.248 AND TO AMEND §
CERTIFICATES OF CONVENIENCE §
AND NECESSITY IN DENTON §
COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

COMMISSION STAFF'S FINAL RECOMMENDATION

On April 21, 2021, the City of Justin and Aqua Texas, Inc. (Aqua Texas) (collectively, Applicants) filed an application for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend City of Justin's water certificate of convenience and necessity (CCN) No. 10167 and Aqua Texas's water CCN No. 13201 in Denton County, Texas. The Applicants' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253. Specifically, City of Justin and Aqua Texas entered into a contractual agreement that permits City of Justin to provide water services within the agreed upon 202-acre water service area. Applicants will not transfer assets or facilities under the terms of the agreement.

On May 25, 2021, the administrative law judge filed Order No. 2, establishing a deadline of July 12, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file a final recommendation on the application. Therefore, this pleading is timely filed.

I. FINAL RECOMMENDATION

As detailed in the attached memorandum of Pai Liu of the Commission's Infrastructure Division, Staff has reviewed the application and recommends that it be approved. Staff's review indicated that the application meets the applicable requirements of TWC Chapter 13 and 16 Texas Administrative Code (TAC) Chapter 24. The applicants will not transfer assets or facilities under the terms of the agreement, and there are no existing customers in the areas to be transferred.

Staff further recommends that the Applicants file certified copies of the attached CCN map, along with a written description of the CCN service areas in the Denton County Clerk's Office, as

required by TWC § 13.257(r) and (s). Staff has attached copies of the final map and certificates consented to by the Applicants to this final recommendation.

On or before July 19, 2021, the parties will file joint proposed findings of fact and conclusions of law.

II. CONCLUSION

For the reasons discussed above, Staff respectfully recommends approval of the application.

Dated: July 12, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

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/s/ Merritt Lander
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DOCKET NO. 52048

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 July 12, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Merritt Lander
Merritt Lander

Public Utility Commission of Texas

Memorandum

TO: Merritt Lander, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: July 12, 2021

RE: Docket No. 52048 – *Application of the City of Justin and Aqua Texas, Inc. for Approval of Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Denton County*

On April 21, 2021, the City of Justin and Aqua Texas, Inc. (Aqua Texas) (collectively, Applicants) filed an application for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend the City of Justin's water certificate of convenience and necessity (CCN) No. 10167 and Aqua Texas's water CCN No. 13201 in Denton County, Texas. The Applicants' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Specifically, the City of Justin and Aqua Texas entered into a contractual agreement that permits the City of Justin to provide water services within the agreed upon water service area. The Applicants will not transfer assets or facilities under the terms of the agreement.

The requested area includes 0 current customers and approximately 202 acres, comprised of 202 acres of transferred area (from CCN No. 13201).

The result of the application will be the addition of approximately 202 acres to CCN No. 10167.

The result of the application will be the subtraction of approximately 202 acres from CCN No. 13201.

The Applicants submitted documentation to satisfy the notice requirements under 16 TAC § 24.253(c).