



## Filing Receipt

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**PUC DOCKET NO. 52197**

<b>APPLICATION BY</b>	<b>§</b>	
<b>AQUA TEXAS, INC.</b>	<b>§</b>	<b>BEFORE THE PUBLIC UTILITY</b>
<b>TO AMEND ITS CERTIFICATE</b>	<b>§</b>	
<b>OF CONVENIENCE (CCN)</b>	<b>§</b>	
<b>AND NECESSITY NO. 21116</b>	<b>§</b>	
<b>FOR THE PROVISION OF</b>	<b>§</b>	<b>COMMISSION OF TEXAS</b>
<b>RETAIL SEWER UTILITY SERVICE</b>	<b>§</b>	
<b>IN WILLIAMSON COUNTY, TEXAS</b>	<b>§</b>	

**THE CITY OF GEORGETOWN'S**  
**MOTION TO INTERVENE AND REQUEST FOR HEARING**

**COMES NOW**, The City of Georgetown, Texas (the "City") and files this Motion to Intervene and Request for Hearing in the above-captioned proceeding. In support of its Motion, the City shows as follows:

1. On June 1, 2021, Aqua Texas, Inc. (the "Applicant") filed an Application to Amend a Certificate of Convenience and Necessity ("CCN") in Williamson County, Texas pertaining to its sewer CCN No. 21116 (the "CCN Application").
2. The CCN Application seeks to add to Applicant's existing CCN No. 21116 an area that is within the City's extraterritorial jurisdiction ("ETJ") but is also directly adjacent to and abutting the City limits (the "Proposed Additional Service Area"). Applicant's existing CCN No. 21116 consists of six discrete, non-contiguous service areas scattered across Bastrop, Burnet, Hays, Travis, and Williamson Counties. The closest portion of Applicant's existing CCN No. 21116 to the Proposed Additional Service Area is, on information and belief, located south of Georgetown, due east of Round Rock, between Hutto and Taylor -- approximately 11 miles away from the new service area that is sought to be added to Applicant's existing CCN.
3. The CCN Application states that the Applicant will be the operator of a wastewater package plant for "864 dwelling units (432 duplexes) for living spaces with 2 commercial clubhouses and 2 maintenance buildings [hereinafter, the "Proposed Development"]." (See CCN Application, at p. 4.) The Proposed Additional Service Area shown in the CCN Application is coterminous with the Proposed Development area.

4. The Proposed Development is speculative at this point. It is not approved for construction because the submittals filed with the City to date do not meet the requirements of the set of regulations applicable to development in the City's ETJ, as agreed upon by the City and Williamson County pursuant to Texas Local Government Code Section 242.001. If the Proposed Development is not constructed, there is no need for Applicant to amend CCN No. 21116. As it currently stands, the Proposed Development has not received City and other governmental approvals and cannot be constructed; therefore, the CCN Application must be denied. Even if the Proposed Development is brought into conformance with all applicable regulations and does receive the requisite City and other governmental approvals for construction, for the reasons described below there would be no need for the Applicant to amend CCN No. 21116 to add the Proposed Additional Service Area because the City would be willing and able to provide retail wastewater service to a compliant version of the Proposed Development.

5. The CCN Application states, "A wastewater treatment facility processing a daily average flow of up to 200,000 gallons per day will be constructed upon approval." (See CCN Application, at p. 4.) This is a reference to an application to construct a wastewater treatment plant that is currently pending before the Texas Commission on Environmental Quality ("TCEQ") styled as, "*AIRW 2017-7, L.P.'s Application for a proposed Texas Pollutant Discharge Elimination System Permit No. WQ0015878001, EPA I.D. No. TX0140244 to Authorize a Domestic Wastewater Treatment Facility and the Discharge of Treated Wastewater in Williamson County, Texas*" (the "TCEQ Application"). The TCEQ has not approved the TCEQ Application. Without TCEQ's approval of the TCEQ Application, the wastewater treatment facilities described in the CCN Application and proposed to be operated by Applicant to serve the Proposed Additional Service Area/Proposed Development cannot be constructed. Because the TCEQ Application has not been approved, the Commission must deny CCN Application inasmuch as the criteria set forth in 16 Tex. Admin. Code § 24.227(a)(2) are not met.

6. The City has requested a contested case hearing on the TCEQ Application because, among other reasons, the wastewater treatment plant to be owned and operated by the Applicant to serve the Proposed Additional Service Area/Proposed Development would be located about 500 to 800 feet, respectively, from two of the City's existing wastewater treatment lines where connection to the City's wastewater system is feasible. The City is a home-rule municipality that owns and

operates five existing wastewater treatment plants, has a permit for another to be constructed in the future,<sup>1</sup> and provides service to approximately 33,000 wastewater customers located both inside and outside the City limits and ETJ. The City's wastewater facilities are either already sized or can be upsized by the Applicant to receive wastewater generated within the Proposed Additional Service Area, and the City has the capacity to treat the wastewater. Contrary to the Applicant's assertions in the CCN Application and the TCEQ Application, the City is willing and able to provide retail wastewater service to the Applicant for use by future residential customers within the Proposed Additional Service Area on the same terms and conditions and in accordance with the same rules and regulations applicable to applicable to similarly situated customers. The City objects to the CCN Application some of the same reasons it objects to the TCEQ Application – the requested authorizations are not needed and are not supported by the respective rules of the TCEQ or the Commission.

7. The CCN Application does not include the information required by 16 Tex. Admin. Code § 24.227(b) and must be denied. As is stated above, the City is willing and able to provide retail wastewater service to customers within the Proposed Additional Service Area on the same basis and in accordance with the same rules and regulations applicable to similarly situated customers. Such service is available within 500 to 800 feet from the outer boundary of the Proposed Additional Service Area (much less than ½ mile).

8. The CCN Application also implicates questions required by the Commission to be considered pursuant to 16 Tex. Admin. Code § 24.227(e), including, but not limited to, questions concerning the need for additional service to the Proposed Additional Service Area, including, but not limited to: environmental needs; the effect of amending a CCN on any retail public utility that provides the same service and that is already serving any area within two miles of the boundary of the requested area (including regionalization and economic effects); the ability of the applicant to provide adequate service, including meeting the standards of the TCEQ and the Commission, taking into consideration the current and projected density and land use of the requested area; the feasibility of obtaining service from an adjacent retail public utility; environmental integrity; and the effect on the land to be included in the requested area.

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<sup>1</sup> Georgetown owns and operates the following wastewater treatment facilities: Cimarron Hills WWTP (WQ0014232001), San Gabriel WWTP (WQ0010489002), Dove Springs WWTP (WQ0010489003), Pecan Branch WTP (WQ0010489005), Berry Creek WWTP (WQ0010489006). Georgetown also has a permit for the Northlands WWTP (WQ0010489007), which is not yet under construction.

9. Amending Applicant's CCN No. 21116 is not necessary for the service, accommodation, convenience, or safety of the public.
10. The City requests a formal hearing on this matter.
11. The City of Georgetown's authorized representative in this matter is:  
Patricia Erlinger Carls  
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The City of Georgetown requests that all correspondence, pleadings, briefs, requests for information, responses to requests for information, and other documents in this proceeding be served upon their legal counsel.

#### **Conclusion and Prayer**

The City of Georgetown respectfully requests that this Motion to Intervene and Request for Hearing be granted, that the City be granted party status in the contested case hearing and all other proceedings pertaining to this matter, and that the City receive all such other and further relief to which it may be justly entitled.

Respectfully submitted,

/s/ Patricia Erlinger Carls

**LAW OFFICES OF PATRICIA ERLINGER  
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**ATTORNEYS FOR  
THE CITY OF GEORGETOWN, TEXAS**

### **CERTIFICATE OF SERVICE**

I certify that notice of the filing of this document was provided to all parties of record via electronic mail on July 29, 2021, in accordance with the Order Suspending Rules issued in Project No. 50664, and sent via electronic mail to the following persons at the addresses shown below:

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/s/ Patricia Erlinger Carls  
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