



## Filing Receipt

**Received - 2021-08-20 02:06:08 PM**  
**Control Number - 52270**  
**ItemNumber - 7**

**DOCKET NO. 52270**

<b>APPLICATION OF AQUA WATER</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>SUPPLY CORPORATION AND</b>	<b>§</b>	
<b>POLONIA WATER SUPPLY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CORPORATION FOR SALE,</b>	<b>§</b>	
<b>TRANSFER, OR MERGER OF</b>	<b>§</b>	
<b>FACILITIES AND CERTIFICATE</b>	<b>§</b>	
<b>RIGHTS IN CALDWELL COUNTY</b>	<b>§</b>	

**COMMISSION STAFF’S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS AND NOTICE, PROPOSED PROCEDURAL SCHEDULE, AND  
REQUEST TO RESTYLE THE DOCKET**

On June 24, 2021, Aqua Water Supply Corporation (Aqua WSC) and Polonia Water Supply Corporation (Polonia WSC) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Bastrop and Caldwell Counties. The applicants seek approval to sell and transfer all of Polonia WSC's facilities and certificated service area under water Certificate of Convenience and Necessity (CCN) number 10420 to Aqua WSC’s water CCN number 10294, and the cancellation of Polonia WSC’s water CCN number. The requested area consists of a total of 38,892 acres and 3,189 customer connections. Applicants filed supplemental information on July 13 and 21, 2021.

On July 26, 2021, the administrative law judge filed Order No. 2, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application, proposed notice, and to propose a procedural schedule by August 20, 2021. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the application and supplemental information and, as detailed in the attached memoranda from Jolie Mathis, Infrastructure Division, and Fred Bednarski and Kathryn Eiland, Rate Regulation Division, Staff recommends that the application is administratively complete. Staff’s recommendation on administrative completeness is not a comment on the merits of the application.

**II. NOTICE**

At this time, Staff recommends that the applicants proceed with providing public notice to all current customers, neighboring utilities, political subdivisions, and other persons listed in

Ms. Mathis's attached memorandum using the notice form provided by Ms. Mathis. Along with each individual notice, Staff recommends that the applicants provide an accurate map delineating the requested service area.

Once notice has been provided, Staff recommends that the applicants file proof of notice as described in Ms. Mathis's attached memorandum, including an affidavit specifying the name and address of every person and entity to whom notice was provided, the date that the notice was provided, and a copy of the map provided with the notice. Finally, Staff recommends that the applicants use the attached notice and affidavit to meet these requirements.

### **III. PROCEDURAL SCHEDULE**

Staff recommends that the application be found administratively complete; therefore, Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Deadline for the applicants to file with the Commission signed affidavits that the notice was given along with a copy of the notice and map sent to the affected parties	September 20, 2021
Deadline for Staff to file a recommendation on sufficiency of notice	September 30, 2021
Deadline to intervene	30 days after notice is issued

### **IV. REQUEST TO RESTYLE THE DOCKET**

As currently styled, this docket indicates that the requested service area is exclusively in Caldwell County. After reviewing the application, Staff recommends that the docket be restyled to reflect that the requested service area is in both Bastrop and Caldwell Counties. Staff respectfully requests that the docket be restyled to: *“Application of Aqua Water Supply Corporation and Polonia Water Supply Corporation for Sale, Transfer, or Merger of Facilities and Certificate Rights in Bastrop and Caldwell Counties.”*

### **V. CONCLUSION**

For the reasons detailed above, Staff recommends that the application be found administratively complete, that the applicants be directed to provide notice as described in the

attached memorandum, that the proposed procedural schedule be adopted, and that the docket be restyled. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: August 20, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Rustin Tawater  
Managing Attorney

/s/ Daniel Moore  
Daniel Moore  
State Bar No. 24116782  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7465  
(512) 936-7268 (facsimile)  
Daniel.Moore@puc.texas.gov

**DOCKET NO. 52201**

**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 August 20, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Daniel Moore  
Daniel Moore

# *Public Utility Commission of Texas*

---

## **Memorandum**

**TO:** Daniel Moore, Attorney  
Legal Division

**FROM:** Jolie Mathis, Utility Engineering Specialist  
Infrastructure Division

**DATE:** August 20, 2021

**RE:** Docket No. 52270 – *Application of Polonia Water Supply Corporation and Aqua Water Supply Corporation for Sale, Transfer, or Merger of Facilities and Certificate Rights in Caldwell County*

---

On June 24, 2021, Aqua Water Supply Corporation (Aqua WSC) and Polonia Water Supply Corporation (Polonia WSC) (collectively, Applicants) filed an application for the sale, transfer, or merger (STM) of facilities and certificate rights in Bastrop and Caldwell Counties, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, Aqua WSC, Certificate of Convenience and Necessity (CCN) No. 10294, seeks approval to acquire facilities and to transfer all of the water service area from Polonia WSC under water CCN No. 10420.

**The total requested area includes 3,189 customer connections and approximately 38,892 acres.**

The application proposes the subtraction of approximately 38,892 acres from Polonia WSC (CCN No. 10420) and the addition of approximately 38,892 acres to Aqua WSC (CCN No. 10294).

The application indicates that the total acreage being requested is approximately 37,920 acres. Based on the mapping review by Tracy Montes, Infrastructure Division, it was determined the requested area is approximately 38,892 acres.

Based on the mapping review by Ms. Montes, the revised maps and digital data submitted with **Item 4** on **7/21/2021** are sufficient. Based on the financial and managerial review by Fred Bednarski, Rate Regulation Division, and my technical and managerial review of the information filed, I recommend that the application be deemed administratively complete. I further recommend that the Applicants be ordered to do the following:

- 1) Provide notice of the application by first-class mail to the following:

- a. Cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area:
  - *City of Lockhart (CCN No. 10295);*
  - *City of Luling (CCN No. 10291);*
  - *County Line Special Utility District (SUD) (CCN No. 10292);*
  - *Creedmoor Maha WSC (CCN No. 11029);*
  - *Goforth SUD (CCN No. 11356);*
  - *Gonzales County WSC (CCN No. 10704);*
  - *Maxwell WSC (CCN No. 10293);*
  - *Tri Community WSC (CCN No. 10313);*
  - *City of Mustang Ridge;*
  - *City of Niederwald;*
  - *City of Uhland;*
  - *Canyon Regional Water Authority;*
  - *Guadalupe-Blanco River Authority;* and
  - *Maxwell SUD*
- b. The county judge of each county that is wholly or partially included in the requested area:
  - *Bastrop County Judge;* and
  - *Caldwell County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
  - *Barton Springs-Edwards Aquifer Conservation District;*
  - *Edwards Aquifer Authority;*
  - *Lost Pines Groundwater Conservation District;* and
  - *Plum Creek Conservation District*
- d. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained from the Water Utility Database, <http://www.puc.texas.gov/watersearch>. District information and addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) website, <http://www14.tceq.texas.gov/iwud/>.

- 2) Provide notice using the attached notice form(s).
- 3) Provide a copy of the map(s) deemed sufficient during administrative review delineating the requested area with each individual notice to neighboring utilities, other affected parties, and customers.
- 4) File in the docket copy of notice and the map(s) deemed sufficient during administrative review along with the signed affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided.

Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to Aqua WSC and Polonia WSC. Aqua WSC and Polonia WSC will have 20 days from the receipt of the RFI to respond.

# *Public Utility Commission of Texas*

---

## **Memorandum**

**TO:** Daniel Moore, Attorney  
Legal Division

**FROM:** Kathryn Eiland, Financial Analyst  
Fred Bednarski III, Financial Analyst  
Rate Regulation Division

**DATE:** August 20, 2021

**RE:** Docket No. 52270 - *Application of Aqua Water Supply Corporation and Polonia Water Supply Corporation for Sale, Transfer, or Merger of Facilities and Certificate Rights in Caldwell County*

---

On June 24, 2021, Aqua Water Supply Corporation and Polonia Water Supply Corporation filed an application for the sale and transfer of facilities and certificate rights in Bastrop and Caldwell Counties under the provisions of Texas Water Code § 13.301 and 16 Texas Administrative Code § 24.239.

I reviewed the answers provided to questions 4, 10, 11, 12, 14, and 15 of the application. I did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, I recommend that the Commission deem the application administratively complete from a financial perspective.

***Docket No. 52270***

***Notice to Current Customers, Neighboring Systems, and Cities***  
AQUA WATER SUPPLY CORPORATION, CERTIFICATE OF CONVENIENCE AND  
NECESSITY (CCN) NO. 10294, NOTICE OF INTENT TO PURCHASE WATER  
FACILITIES AND TO TRANSFER WATER SERVICE AREA UNDER CCN NO. 10420  
FROM POLONIA WATER SUPPLY CORPORATION IN CALDWELL COUNTY, TEXAS

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 20\_\_\_\_  
(Name of Customer, Neighboring System, or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

Aqua Water Supply Corporation 415 Old Austin Hwy. Drawer P Bastrop, TX 78602  
(Purchaser's Name) (Address) (City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase all of the water facilities and to transfer water certificated service area under CCN No. 10420, in Caldwell County, TX from:

Polonia Water Supply Corporation P.O. Box 778 Lockhart, TX 78644  
(Seller's Name) (Address) (City), (State) (Zip Code)

The sale is scheduled to take place if approved by the Commission (Texas Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivision:  
Polonia WSC System.

**Requested Area 1**

The requested area is located approximately 1.5 miles north of downtown Lockhart, Texas, and is generally bounded on the north by West State Highway 21 (Camino Real) and Farm to Market 812; on the east by intersection of Farm to Market 812 and Farm to Market 20 East; on the south by Farm to Market Road 20 East; and on the west by intersection of Farm to Market 2720 and State Highway 21 (Camino Real).

**Requested Area 2**

The requested area is located approximately 1.6 miles southeast of downtown Lockhart, Texas, and is generally bounded on the north by State Park Road and Black Jack Road (Farm to Market Road 20 East); on the east by Harwood Road; on the south by Ivy Switch Road and Mule Creek Road; and on the west by State Park Road (Farm to Market Road 20).

**The total requested area (with two bounded areas and facilities plus 200 feet) includes 3,189 customer connections and approximately 38,892 acres.**

The application proposes the subtraction of approximately 38,892 acres from Polonia WSC (CCN No. 10420) and the addition of approximately 38,892 acres to Aqua WSC (CCN No. 10294).

**See enclosed map showing the requested area.**

This transaction will have the following effect on the current customers' rates and services: Some Polonia WSC customers will experience higher monthly bills, while other Polonia WSC customers will experience lower monthly bills.

*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.*

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

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

---

Utility Representative

---

Utility Name

# PUBLIC UTILITY COMMISSION OF TEXAS



## AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES DOCKET NO. 52270

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 \_\_\_\_\_

Notice Form Updated: April 8, 2021