



## Filing Receipt

**Received - 2023-03-28 01:36:27 PM**

**Control Number - 52445**

**ItemNumber - 52**

**DOCKET NO. 52445**

**APPLICATION OF HYDROTEX, LLC     §     PUBLIC UTILITY COMMISSION**  
**FOR A CERTIFICATE OF             §**  
**CONVENIENCE AND NECESSITY IN   §**  
**LIBERTY COUNTY                     §                     OF TEXAS**

**COMMISSION STAFF’S RESPONSE TO ORDER NO. 13**

**I.     BACKGROUND**

On August 18, 2021, HydroTex, LLC (HydroTex) filed an application to obtain a water Certificate of Convenience and Necessity (CCN) in Liberty County. The application requests a service area that includes 88 acres and 120 proposed connections.

On March 14, 2023, the administrative law judge (ALJ) filed Order No. 13, establishing a deadline of March 28, 2023, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to confirm whether there are landowners of a tract of land that is over 25 acres and wholly or partly located in the requested area and provide a procedural schedule, if appropriate. Therefore, this pleading is timely filed.

**II.    RESPONSE TO ORDER NO. 13**

As detailed in the attached memorandum from Patricia Garcia of the Infrastructure Division, The normal practice is for the applicant to provide a response regarding landowners with 25 acres or more. As the applicant, HydroTex bears the burden of demonstrating to the ALJ that it has satisfied all the requirements for a certificate of convenience and necessity. In its March 13, 2023 filing, HydroTex has attested that there are no landowners with 25 acres of more located within in the requested area.

### III. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Deadline to intervene	September 10, 2022
Deadline for Commission Staff to provide final maps, certificates, and tariffs (if applicable) to HydroTex for review and consent	June 9, 2023
Deadline for HydroTex to file signed consent forms with the Commission	June 23, 2023
If no hearing is requested, deadline for Commission Staff to file a final recommendation on the application	July 3, 2023
If no hearing is requested, deadline for parties to file a joint motion to admit evidence and proposed findings of fact, conclusions of law, and ordering paragraphs	July 14, 2023

### IV. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the foregoing.

Dated: March 28, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Marisa Lopez Wagley  
Interim Division Director

/s/ Phillip Lehmann  
Phillip Lehmann  
State Bar No. 24100140  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711  
(512) 936-7385  
(512) 936-7268 (facsimile)  
phillip.lehmann@puc.texas.gov

**DOCKET NO. 52445**

**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 March 28, 2023, in accordance with the Second 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:** Patricia Garcia, Infrastructure Analysis Section Director  
Infrastructure Division

**DATE:** March 28, 2023

**RE:** Docket No. 52445 – *Application of HydroTex, LLC for a Certificate of Convenience and Necessity and for the Decertification of a Portion of Southern Horizons’ Certificate of Convenience and Necessity in Liberty County*

---

On August 18, 2021, HydroTex, LLC (HydroTex) filed with the Public Utility Commission of Texas (Commission) an application to obtain a water certificate of convenience and necessity (CCN) and for the Decertification of a Portion of Southern Horizons’ CCN No. 12863 in Liberty County, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

Based on the mapping review by Tracy Montes, Infrastructure Division, the maps and digital mapping data submitted with Item 19 on June 23, 2022 are sufficient.

- The requested area includes 0 customer connections and approximately 88 acres comprised of decertified area from Southern Horizons (CCN No. 12863).
- The application proposes the subtraction of approximately 88 acres from Southern Horizons (CCN No. 12863) and the addition of approximately 88 acres to HydroTex, LLC New CCN Number.

On March 14, 2023, the Administrative Law Judge requested Commission Staff to confirm whether there are landowners of a tract of land that is over 25 acres and wholly or partly located in the requested area. The normal practice is for the applicant to provide a response regarding landowners with 25 acres or more. On March 13, 2023, HydroTex filed a pleading stating there are no landowners with 25 acres or more located within in the requested area.