



Filing Receipt

Filing Date - 2024-01-18 09:54:52 AM

Control Number - 52445

Item Number - 91

DOCKET NO. 52445

APPLICATION OF HYDROTEX, LLC § PUBLIC UTILITY COMMISSION
FOR A CERTIFICATE OF §
CONVENIENCE AND NECESSITY § OF TEXAS
AND FOR DECERTIFICATION OF A §
PORTION OF SOUTHERN HORIZON §
DEVELOPMENT'S CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
LIBERTY COUNTY §

ORDER NO. 24
REQUIRING CLARIFICATIONS, SUPPLEMENTS, AND
MOTIONS TO ADMIT EVIDENCE

This Order addresses the application of HydroTex, LLC to obtain a water certificate of convenience and necessity (CCN) and to decertify a portion of Southern Horizons Development, Inc.'s CCN number 12863 in Liberty County. In order to further process this docket, the administrative law judge (ALJ) requires clarification and, if necessary, supplementation from HydroTex regarding the request for service, date the public water system was completed, and on the decertification request of Southern Horizons.

I. Request for Service and Completion Date

On October 11, 2023, HydroTex stated that The Landing II, LLC is the developer of the Landing II subdivision, which is an affiliate of HydroTex. The ALJ was unable to locate a request for service from The Landing II, LLC. The ALJ requires HydroTex to identify in the record the location for the request for service. If it is not in the record, HydroTex must supplement its application to include the request for service.

In addition, the ALJ was unable to locate where in the record the date where the public water system was completed. The ALJ requires HydroTex to identify in the record the location showing the date of completion for the water system. If it is not in the record, HydroTex must supplement its application to include the date of completion for the water system.

II. Request for Decertification

The Commission has addressed decertification, under Texas Water Code § 13.254 and 16 Texas Administrative Code (TAC) § 24.245, in its Order in Docket No. 51998.¹ The ALJ requires

¹ *Application of the City of Burleson to Amend its Certificate of Convenience and Necessity in Johnson County*, Docket No. 51998, Preliminary Order (Apr. 4, 2022).

HydroTex to identify the location in the record for the following information. If it is not in the record, HydroTex must supplement its application to include the following:

1. Notice, at the time the application was filed, to each customer and landowner within the affected service area, as required under 16 TAC § 24.245(d)(2)(A);
2. A consent by Southern Horizons for decertification of the decertification area. The June 22, 2022 agreement between Southern Horizons and HydroTex does not state that Southern Horizons consents to decertification.²
3. A number of current customers, if any, Southern Horizons has within the requested area and a confirmation of whether it has ever provided retail water service to customers in the requested area;
4. Requests for services, if any, received by Southern Horizons for service in the requested area and if, none, a confirmation of the same;
5. The location of facilities, if any, Southern Horizons has in the requested area, and if Southern Horizons has none, a confirmation of the same;
6. The effect of the decertification on Southern Horizons, the current CCN holder, existing customers, and landowners, as required under 16 TAC § 24.245(d)(2)(C), including whether Southern Horizons has customers served by a separate public water system outside the requested area and whether there will be an impact on Southern Horizons' ability to serve its remaining customers; and
7. The compensation, if any, Southern Horizons received or will receive from HydroTex regarding the decertification and, if none, a confirmation of the same.

By January 29, 2024, HydroTex must provide the clarification or supplement its application, as necessary. By February 12, 2024, Commission Staff must file a supplemental recommendation on Southern Horizons' request for partial decertification.

Concurrent with their filings, the parties must file a motion to admit the clarification, supplemental information, and supplemental recommendation.

² See Agreement filed on June 23, 2022 (AIS No. 19 at p. 29).

Signed at Austin, Texas the 18th day of January 2024.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read "Christina Denmark", written in a cursive style.

CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE

q:\admin\doCKET management\water\cen\52xxx\52445-24 clarification.docx