



## Filing Receipt

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**Control Number - 52644**  
**ItemNumber - 17**

**DOCKET NO. 52644**

<b>PETITION OF AQUA TEXAS, INC. FOR</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>PARTIAL DECERTIFICATION OF ITS</b>	<b>§</b>	
<b>CERTIFICATES OF CONVENIENCE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>AND NECESSITY IN HARRIS COUNTY</b>	<b>§</b>	

**NOTICE OF APPROVAL**

This Notice of Approval addresses the petition of Aqua Texas, Inc. to amend its water and sewer certificates of convenience and necessity (CCN) numbers 13203 and 21065 in Harris County. The Commission amends Aqua Texas's CCN numbers 13203 and 21065 to decertify 57 acres to the extent provided in this Notice of Approval.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Petitioner**

1. Aqua Texas is a Texas corporation registered with the Texas secretary of state under filing number 800304878.
2. Aqua Texas is a wholly owned subsidiary of Essential Utilities, Inc.
3. Aqua Texas operates, maintains, and controls various facilities for providing retail water and sewer service in its Southeast operating region, which includes Harris County, under water CCN number 13203 and sewer CCN number 21065.

**Petition**

4. On September 27, 2021, Aqua Texas filed the petition at issue in this proceeding to amend its CCN numbers 13203 and 21065 to decertify 57 acres of water and sewer service area.
5. On October 11, 2021, Aqua Texas filed additional mapping information.
6. On November 9, 2021, Aqua Texas filed an amended petition.
7. The requested water and sewer service areas have no existing connections.

8. The requested water and sewer areas to be decertified overlap and are located northwest of downtown Houston and are generally bounded on the north and south by West Little York Road.
9. In Order No. 3 filed on November 29, 2021, the administrative law judge (ALJ) found the petition administratively complete.

### **Notice**

10. On November 9, 2021, Aqua Texas filed the affidavit of Brittney Ventress, authorized agent of Aqua Texas, attesting that notice was provided to affected landowners and customers of Harris County Municipal Utility District No. 370 on November 9, 2021.
11. In Order No. 3 filed on November 29, 2021, the ALJ found notice sufficient.

### **Evidentiary Record**

12. On March 7, 2022, Aqua Texas and Commission Staff filed a joint motion to admit evidence and proposed notice of approval.
13. In Order No. 5 filed on March 15, 2022, the ALJ admitted the following evidence into the record of this proceeding: (a) the petition and all attachments filed on September 27, 2021; (b) Aqua Texas's additional mapping information filed on October 11, 2021; (c) Aqua Texas's amended petition filed on November 9, 2021; (d) Aqua Texas's proof of notice filed on November 9, 2021; (e) Commission Staff's supplemental recommendation on administrative completeness and notice and proposed procedural schedule filed on November 23, 2021; (f) Aqua Texas's consent form filed on January 28, 2022; (g) Commission Staff's amended recommendation on final disposition filed on February 16, 2022; and (h) the final maps and certificates attached to Commission Staff's amended recommendation on final disposition filed on February 16, 2022.

### **Circumstances of Decertification**

14. Aqua Texas has never provided water or sewer service to any customers in the requested area.
15. Aqua Texas has not received any requests for water and sewer service in the requested area.

16. The requested area for decertification is located inside (or will be located inside) the boundaries of Harris County Municipal Utility District No. 370.
17. Harris County Municipal District No. 370 currently serves customers in the requested area and will be the service provider for future customers in the requested area.

**Effect on Customers and Landowners in the Requested Area**

18. There are no customers that Aqua Texas serves in the requested area being decertified.
19. Aqua Texas does not own any facilities in the requested area.
20. Aqua Texas will not be required to provide adequate and continuous service to the requested area.
21. Harris County Municipal District No. 370 serves customers in the requested area and will be the service provider for future customers in the requested area.

**Ability to Serve Continuous and Adequate Service to Remaining Customers**

22. Decertification of the requested area will not impact Aqua Texas's ability to serve the remaining customers in its certificated area. The remaining customers are served by public water systems and wastewater systems outside of the requested area.

**Adverse Impact on the Requested Area in the Present or Future**

23. Aqua Texas has no customers and owns no facilities in the requested area so the service to the requested area will not be discontinued, reduced, or impaired.
24. Harris County Municipal District No. 370 provides service to the area.

**Compensation from a Prospective Retail Public Utility**

25. Aqua Texas is not entitled to compensation from a prospective retail public utility if the request to decertify the requested area is granted.

**Maps, Certificates, and Tariffs**

26. On January 10, 2022, Commission Staff emailed the proposed final maps and certificates to Aqua Texas.
27. On January 28, 2022, Aqua Texas filed its consent to the proposed final maps and certificates.

28. On March 7, 2022, the parties filed the maps and certificates as attachments to the joint motion to admit evidence and proposed notice of approval.

**Informal Disposition**

29. More than 15 days have passed since completion of the notice provided in this docket.
30. No party filed a protest or motion to intervene.
31. Aqua Texas and Commission Staff are the only parties to this proceeding.
32. No party requested a hearing and no hearing is necessary.
33. Commission Staff recommended approval of the petition.
34. The decision is not adverse to any party.

**II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. The Commission has authority over this proceeding under Texas Water Code (TWC) §§ 13.242, 13.244, 13.246, 13.250, and 13.254.
2. Aqua Texas is a retail public utility as defined by TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(31).
3. Aqua Texas's petition meets the requirements of TWC § 13.244.
4. Aqua Texas provided notice of the petition that complies with TWC § 13.254 and 16 TAC § 24.245.
5. The Commission processed the petition as required by the TWC, the Administrative Procedure Act,<sup>1</sup> and Commission rules.
6. Aqua Texas met the requirements set forth in TWC § 13.254 and in 16 TAC § 24.245 to be granted decertification amendments to its CCNs by consent.
7. Aqua Texas has demonstrated that the requested decertification amendments of its water CCN number 13203 and sewer CCN number 21065 will not affect Aqua Texas's ability to provide retail public water or sewer utility service to remaining customers in those

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<sup>1</sup> Tex. Gov't Code §§ 2001.001–.903.

certificated service areas and neither the present nor future convenience and necessity in those areas will be adversely affected as required by TWC § 13.250(a)-(b).

8. Under TWC § 13.257(r) and (s), Aqua Texas must record a certified copy of the approved maps and certificates, along with a boundary description of the service areas, in the real property records of Harris County within 31 days of this Notice of Approval and submit evidence of the recording to the Commission.
9. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

### **III. Ordering Paragraphs**

In accordance with the preceding findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission amends Aqua Texas's CCN numbers 13203 and 21065 to remove 57 water and sewer acres as described in this Notice of Approval and shown on the attached maps.
2. The Commission approves the maps attached to this Notice of Approval.
3. The Commission issues the certificates attached to this Notice of Approval.
4. Aqua Texas must comply with the recording requirements in TWC § 13.257(r) and (s) for the areas in Harris County affected by this petition and must file in this docket proof of the recording no later than 45 days after the date of this Notice of Approval.
5. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 21st day of March 2022.

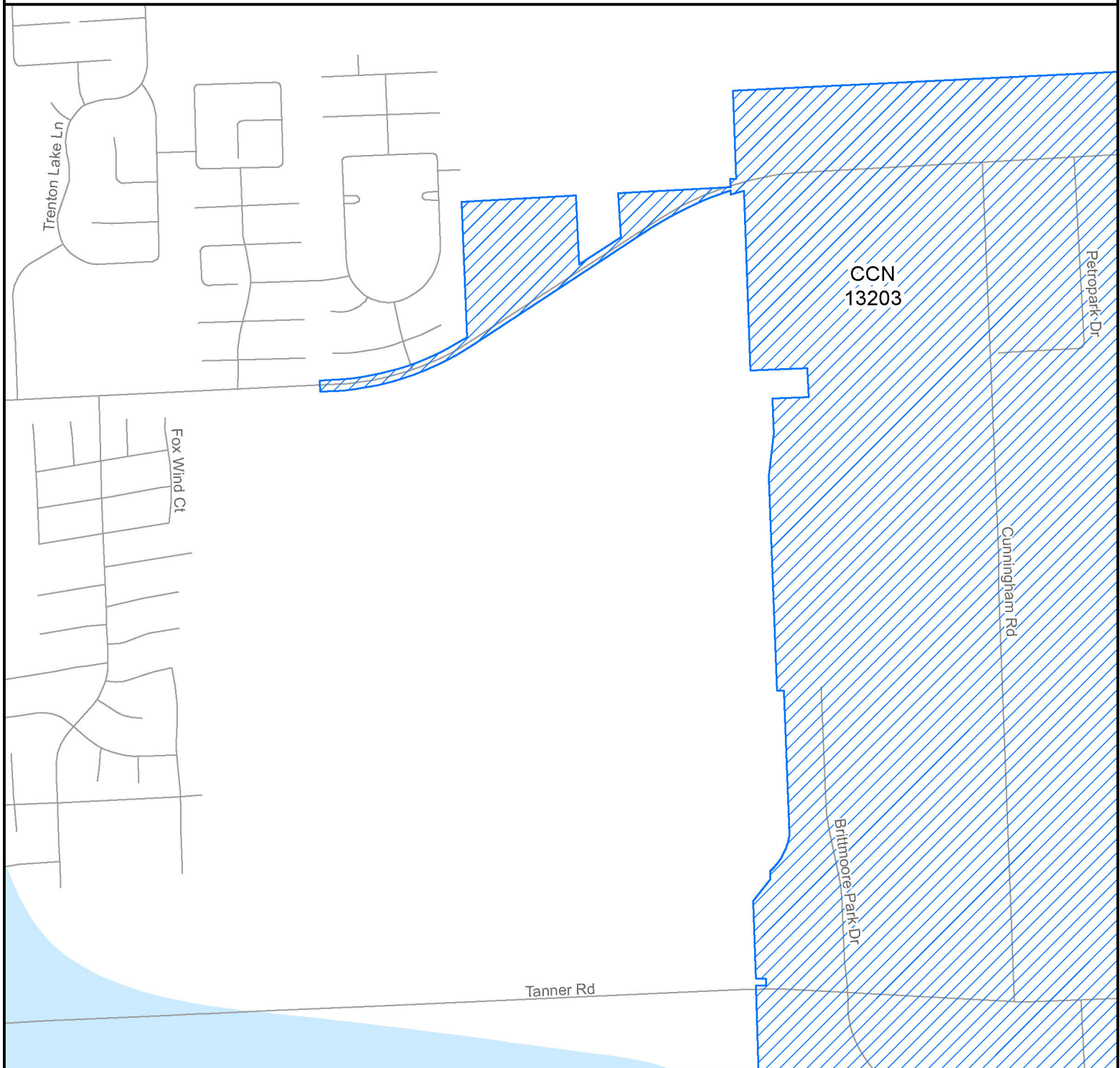
**PUBLIC UTILITY COMMISSION OF TEXAS**

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

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**CHRISTINA DENMARK  
ADMINISTRATIVE LAW JUDGE**

Aqua Texas, Inc.  
Portion of Water CCN No. 13203  
PUC Docket No. 52644  
Amended CCN No. 13203 in Harris County



**Water CCN**



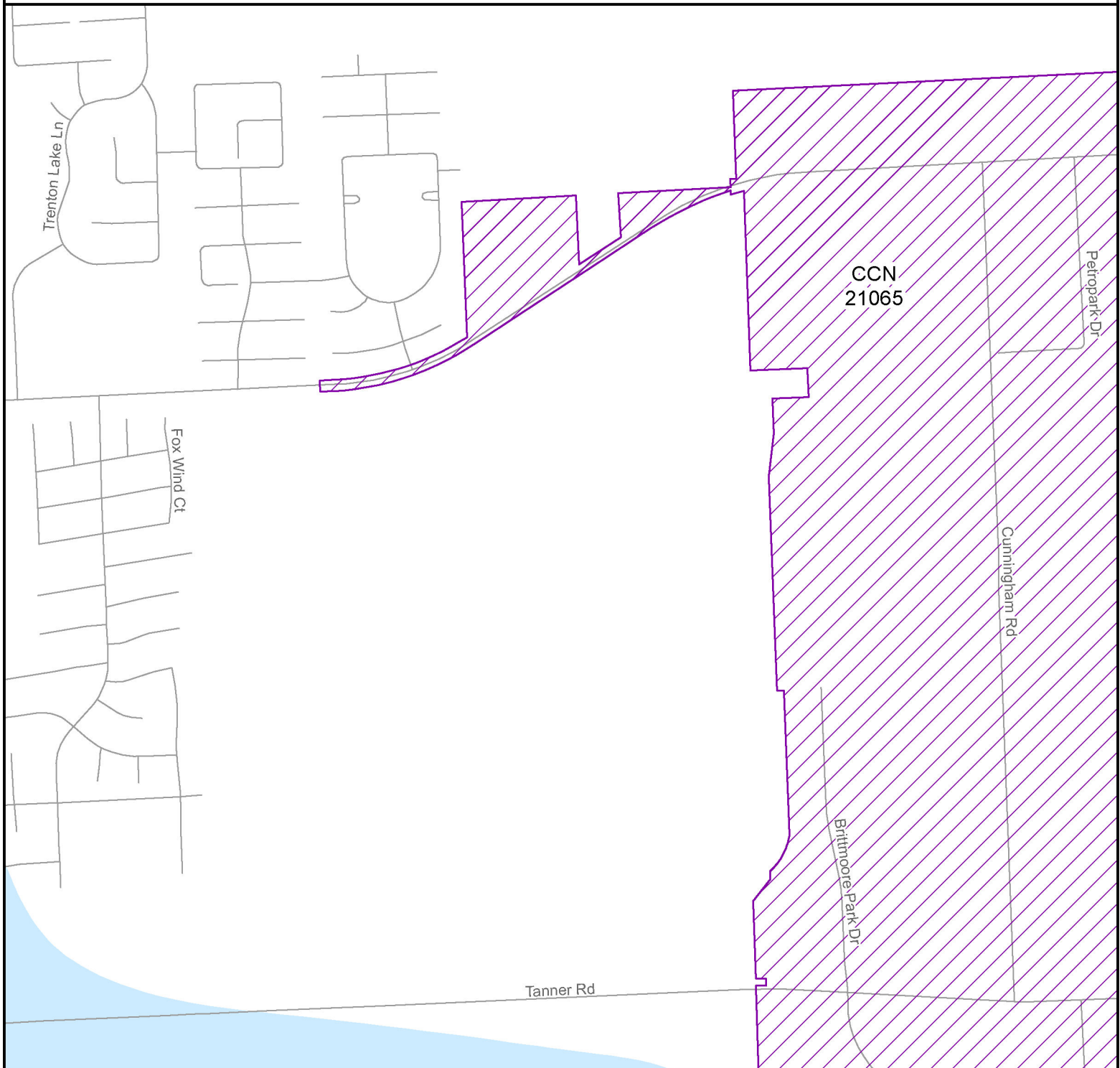
13203 - Aqua Texas Inc

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Feet





Aqua Texas, Inc.  
Portion of Sewer CCN No. 21065  
PUC Docket No. 52644  
Amended CCN No. 21065 in Harris County



**Sewer CCN**

 21065 - Aqua Texas Inc

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# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

**Aqua Texas, Inc.**

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Aqua Texas, Inc. is entitled to this

## **Certificate of Convenience and Necessity No. 13203**

to provide continuous and adequate water utility service to that service area or those service areas in Brazoria, Chambers, Fort Bend, Grimes, Harris, Jefferson, Liberty, Montgomery, Polk, San Jacinto, Trinity, Victoria, and Wharton Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52644 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Aqua Texas, Inc. to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Aqua Texas, Inc.**

having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Aqua Texas, Inc. is entitled to this

### **Certificate of Convenience and Necessity No. 21065**

to provide continuous and adequate sewer utility service to that service area or those service areas in Brazoria, Chambers, Fort Bend, Harris, Jefferson, Montgomery, Polk, Trinity, and Victoria Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52644 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Aqua Texas, Inc. to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.