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DOCKET NO. 52644

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

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND NOTICE AND PROPOSED PROCEDURAL SCHEDULE**

On September 27, 2021, Aqua Texas, Inc. (Aqua Texas) filed a petition to amend its certificate of convenience and necessity (CCN) in Harris County. Aqua Texas seeks approval to decertify a portion of its water CCN No. 13203 and sewer CCN No. 21065, under Texas Water Code (TWC) § 13.254(a) and 16 Texas Administrative Code (TAC) § 24.245(h). Aqua Texas filed supplemental information on October 11, 2021.

On September 28, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of October 27, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the petition and proposed notice and to propose a procedural schedule for the further processing of this docket. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and supplemental information and as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that the information provided regarding notice of the petition is incomplete. Staff further recommends that Aqua Texas be ordered to cure the deficiencies regarding notice identified in Ms. Garcia memorandum by November 9, 2021 and that Staff be given a deadline of November 23, 2021 to file a supplemental recommendation on the administrative completeness of the petition.

II. PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of the docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation that the petition be found administratively complete.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the supplemented application be found administratively incomplete, and that Aqua Texas be ordered to file supplemental information to cure the deficiencies regarding notice of the petition by November 9, 2021. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: October 27, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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/s/ Forrest Smith
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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 October 27, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith
Forrest Smith

Public Utility Commission of Texas

Memorandum

TO: Forrest Smith, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: October 27, 2021

RE: Docket No. 52644 – *Petition of Aqua Texas, Inc. for Partial Decertification of its Certificates of Convenience and Necessity in Harris County*

On September 27, 2021, Aqua Texas, Inc. (Aqua Texas) filed a petition to decertify a portion of its water Certificate of Convenience and Necessity (CCN) No. 13203 and sewer CCN No. 21065 in Harris County, Texas under Texas Water Code (TWC) § 13.254(a) and 16 Texas Administrative Code (TAC) § 24.245.

The requested area includes 0 customer connections and approximately 57 acres, comprised of 57 acres of decertified area from CCN Nos. 13203 & 21065.

The petition proposes the subtraction of approximately 57 acres from CCN Nos. 13203 & 21065.

Based on the mapping review by Gary Horton, Infrastructure Division, the maps submitted on September 27, 2021 are sufficient. Based on my technical and managerial review of the information filed by Aqua Texas, I recommend that the petition be deemed administratively incomplete and not accepted for filing.

In its petition, Aqua stated that it was providing notice of the petition to the landowners of the relevant properties. To resolve the deficiencies, I recommend that Aqua file in the docket a copy of the notice and the map provided to the landowners along with a signed affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided.