



## Filing Receipt

**Received - 2021-11-09 09:48:39 AM**  
**Control Number - 52644**  
**ItemNumber - 6**

**DOCKET NO. 52644**

|   |          |                                  |
|---|----------|----------------------------------|
| <b>PETITION BY AQUA TEXAS, INC. FOR</b> | <b>§</b> | <b>BEFORE THE PUBLIC UTILITY</b> |
| <b>PARTIAL DECERTIFICATION OF ITS</b>   | <b>§</b> |                                  |
| <b>WATER AND SEWER CERTIFICATES</b>     | <b>§</b> | <b>COMMISSION OF TEXAS</b>       |
| <b>OF CONVENIENCE AND NECESSITY</b>     | <b>§</b> |                                  |
| <b>NOS. 13203 AND 21065 IN HARRIS</b>   | <b>§</b> |                                  |
| <b>COUNTY, TEXAS</b>                    | <b>§</b> |                                  |

**AQUA TEXAS, INC.’S AMENDED PETITION FOR PARTIAL  
WATER AND SEWER CCN DECERTIFICATION**

COMES NOW, Aqua Texas, Inc., d/b/a Aqua Texas (Aqua or Applicant) and files this Amended Petition for Partial Water and Sewer CCN Decertification in relation to a portion of its water Certificate of Convenience and Necessity (CCN) No. 13203 in Harris County, Texas and its sewer CCN No. 21065 in Harris County, Texas (Petition). In support thereof, Aqua shows the following.

**I. PURPOSE OF THE AMENDED PETITION AND DECERTIFICATION  
CRITERIA**

Applicant files this Amended Petition to seek decertification of portions of its water CCN No. 13203 and sewer CCN No. 21065 that are located inside (or will be located inside) the boundaries of Harris County Municipal Utility District No. 370 (MUD 370). Aqua seeks Commission decertification for only the water CCN No. 13203 areas identified in **Exhibit A** and sewer CCN No. 21065 areas identified in **Exhibit B**. Pursuant to Texas Water Code (“TWC”) § 13.254(a) and 16 Texas Administrative Code (“TAC”) 24.245(d), “The utility commission at any time after notice and hearing may ... amend any certificate of public convenience and necessity with the written consent of the certificate holder.”<sup>1</sup> Also, amended pleadings are

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<sup>1</sup> TWC § 13.254(a); *see also* 16 TAC § 24.245(d)(1)(E) and (2).

permitted without leave where notice of the proceeding is not yet provided.<sup>2</sup> Here, notice to all landowners was not completed and is being provided anew.

Here, Aqua is providing consent to amend its CCN to remove area under both TWC § 13.254(a) and 16 TAC § 24.245(d)(1)(E) and (2). Aqua holds multiple CCN service areas under water CCN No. 13203 and sewer CCN No. 21065. Official Commission maps show that a portion of these CCN service areas overlap (or will overlap upon completion of annexation) with MUD 370's land and/or jurisdictional boundaries. While Aqua intends to retain all other service areas certified under water CCN No. 13203, sewer CCN No. 21065, and its other CCNs, Aqua has agreed to seek removal of its water and sewer CCN service areas within parts of MUD 370 to permit retail water and sewer service by MUD 370 as may be needed.

## **II. REQUEST FOR DECERTIFICATION**

Aqua seeks Commission decertification of water CCN No. 13203 for only the areas identified in **Exhibit A** and sewer CCN No. 21065 for only the areas identified in **Exhibit B** (collectively, the "Properties"). The Properties are located northwest of downtown Houston, Texas and are generally bounded on the north and/or south by West Little York Road. Aqua's President, Robert L. Laughman, provides factual information in support of this Petition in **Exhibit C**. **Exhibit D** is the shape files for the areas to be released.

Aqua does not actively supply water or sewer service to any retail customer within the Properties and certain developer landowners of some of the Properties and MUD 370, which serves customers within certain portions of the Properties, have requested Aqua file this Petition. Therefore, this Petition will not adversely impact any Aqua customer or any landowner within the

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<sup>2</sup> 16 TAC § 22.76(a)(2).

Properties. Aqua will retain all other portions of its water CCN No. 13203 and sewer CCN No. 21065 service territory.

Nevertheless, Aqua is ensuring that a copy of this amended Petition is provided as notice to the landowners of the Properties at the same time this amended Petition is filed,<sup>3</sup> but clarifies that Aqua does not seek to remove any certificated service area in whole or in part by this Petition other than the area shown in **Exhibits A, B, and D**. Consequently, no standardized Commission application form applies to this Petition and nothing further is specifically required from Applicant to grant the relief requested herein. Aqua will file proof of notice after filing this amended Petition.

Aqua believes the information included with this Petition, including the mapping information included in **Exhibits A, B, and D**, are sufficient for the Commission to grant this request.<sup>4</sup> If more information is required, Aqua Texas respectfully requests that the Commission let Applicant know as soon as possible.

### **III. CONCLUSION**

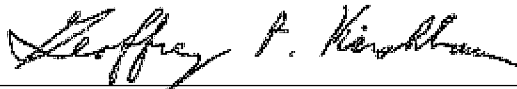
Aqua Texas, Inc. respectfully requests the Commission process this amended Petition and decertify the Properties from Applicant's water CCN No. 13203 and sewer CCN No. 21065 pursuant to TWC § 13.254(a) and 16 TAC § 24.245(d)(1)(E) and (2). If for any reason the Commission finds the information submitted with this amended Petition is insufficient for application acceptance, Aqua respectfully requests that it be notified immediately and provided an opportunity to cure any deficiencies identified.

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<sup>3</sup> 16 TAC § 24.245(d)(2)(A). Aqua has learned that it did not notify all landowners within the Properties when it filed its original Petition, only the developer landowners. Therefore, Aqua is amending its Petition and providing a new round of landowner notice to address that issue.

<sup>4</sup> See § 13.254(a) and 16 TAC § 24.245(d)(1)(E) and (2).

**Respectfully submitted,**

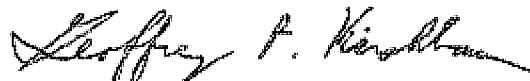
By: 

Geoffrey P. Kirshbaum  
State Bar No. 24029665  
TERRILL & WALDROP  
810 W. 10<sup>th</sup> Street  
Austin, Texas 78701  
(512) 474-9100  
(512) 474-9888 (fax)  
gkirshbaum@terrillwaldrop.com

**ATTORNEY FOR AQUA TEXAS, INC.**

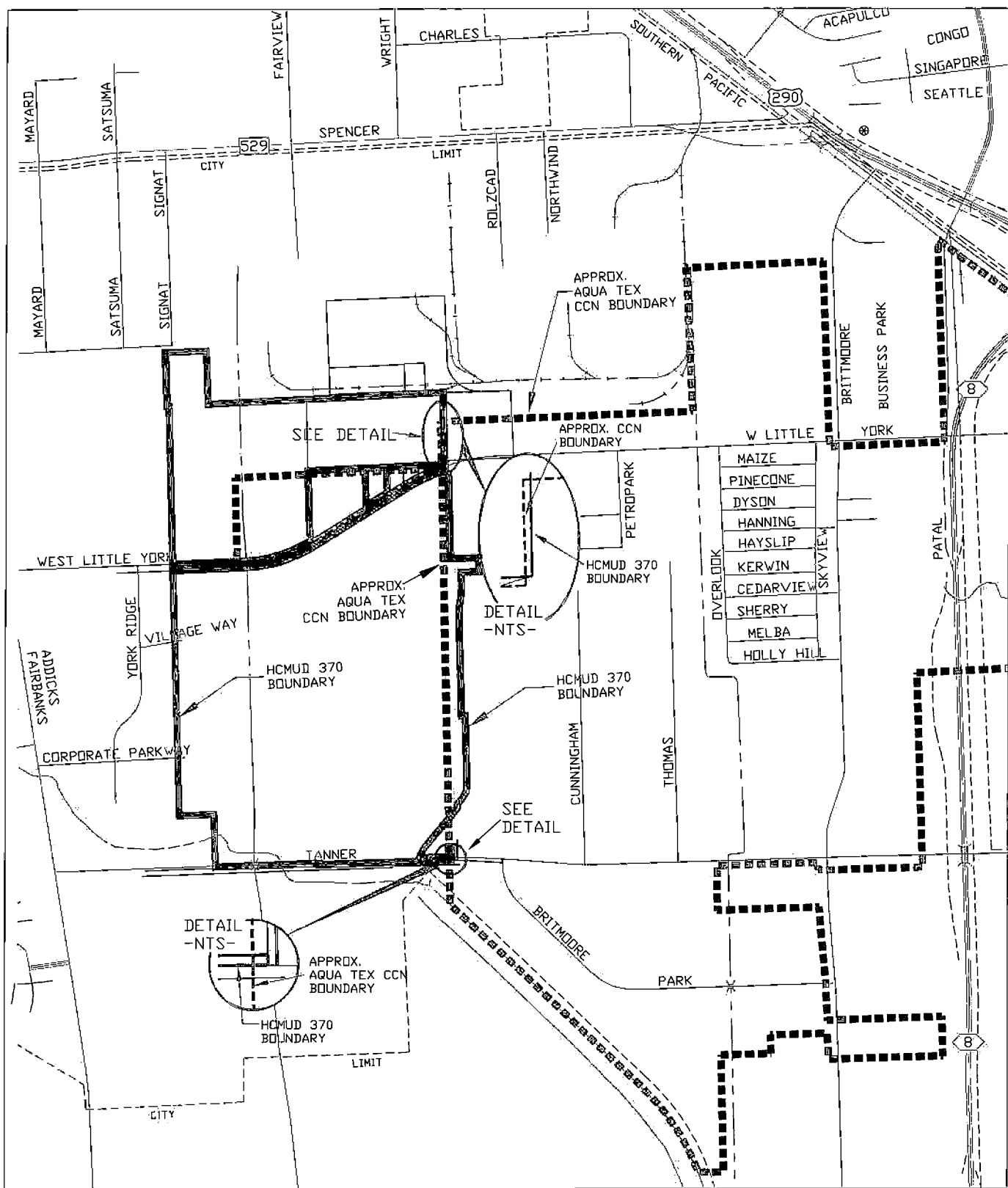
**CERTIFICATE OF SERVICE**

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 November 9, 2021, in accordance with the Orders Suspending Rules issued in Project No. 50664.

  
Geoffrey P. Kirshbaum

**EXHIBIT A**

Water CCN No. 13203 Areas



- HCMUD 370 BOUNDARY
- - - APPROX. AQUA TEX CCN BOUNDARY
- DE-ANNEXATION AREA

## DEANNEXATION AREA AQUA TEX CCN

R.M. ARMSTRONG SURVEY,

ABSTRACT No. 1322, HARRIS COUNTY TEXAS

RECORDED IN H.C.C.F. No. RP-2020-177513

L:\2020015 - 52ac West Little York\SURVEY\1\1\CAD\1\2\Exhibits\2020015 vicmap OR MUD.dwg, 8/31/2021 7:51:30 AM



**BENCHMARK ENGINEERING CORPORATION**

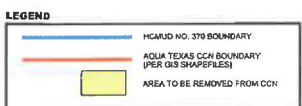
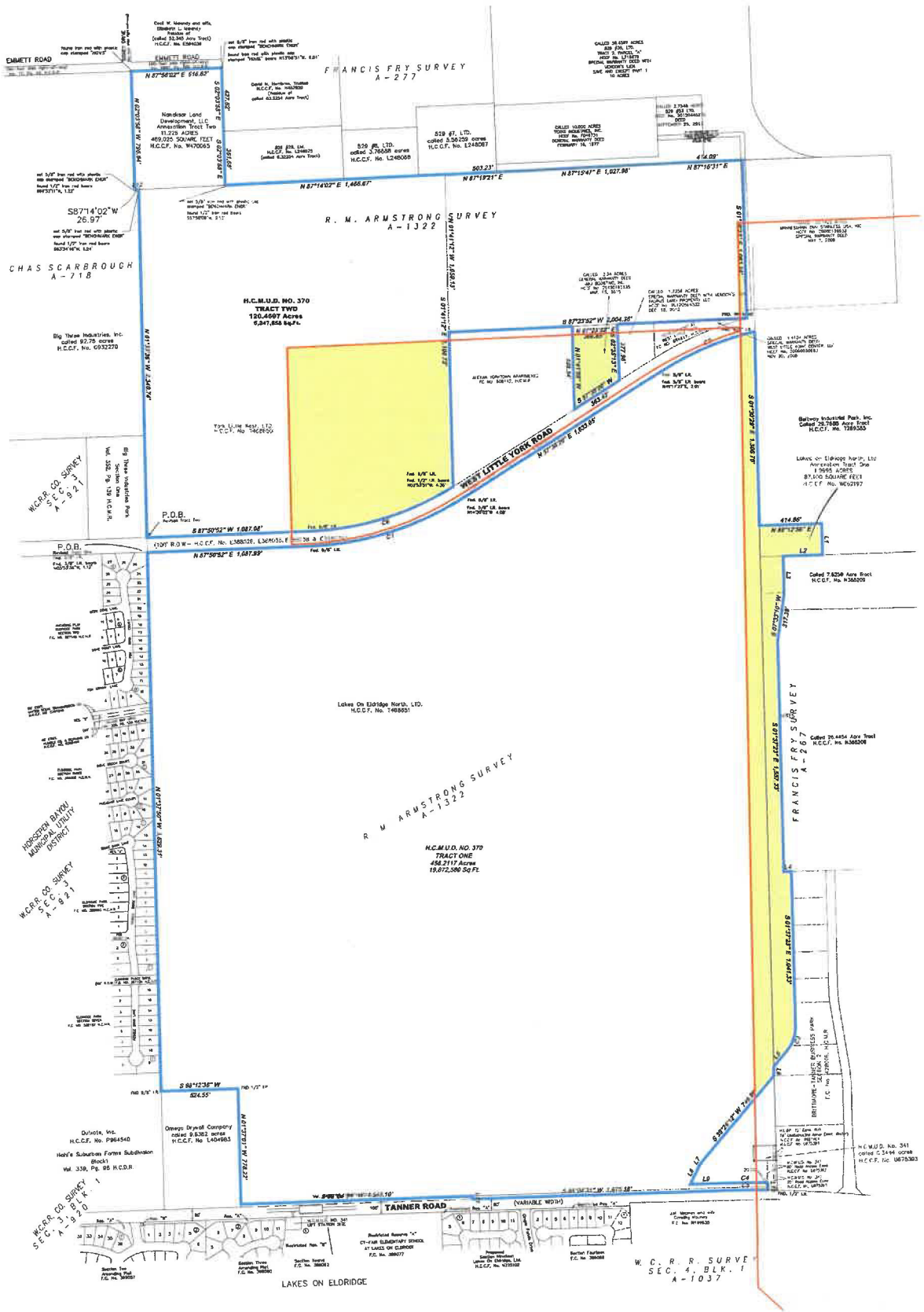
Consulting Engineers — Planners — Surveyors

2401 Fountainview Suite 500

Houston, Texas 77057 U.S.A. (713)266-9930

Job No. 2020-015 Date: August, 2021

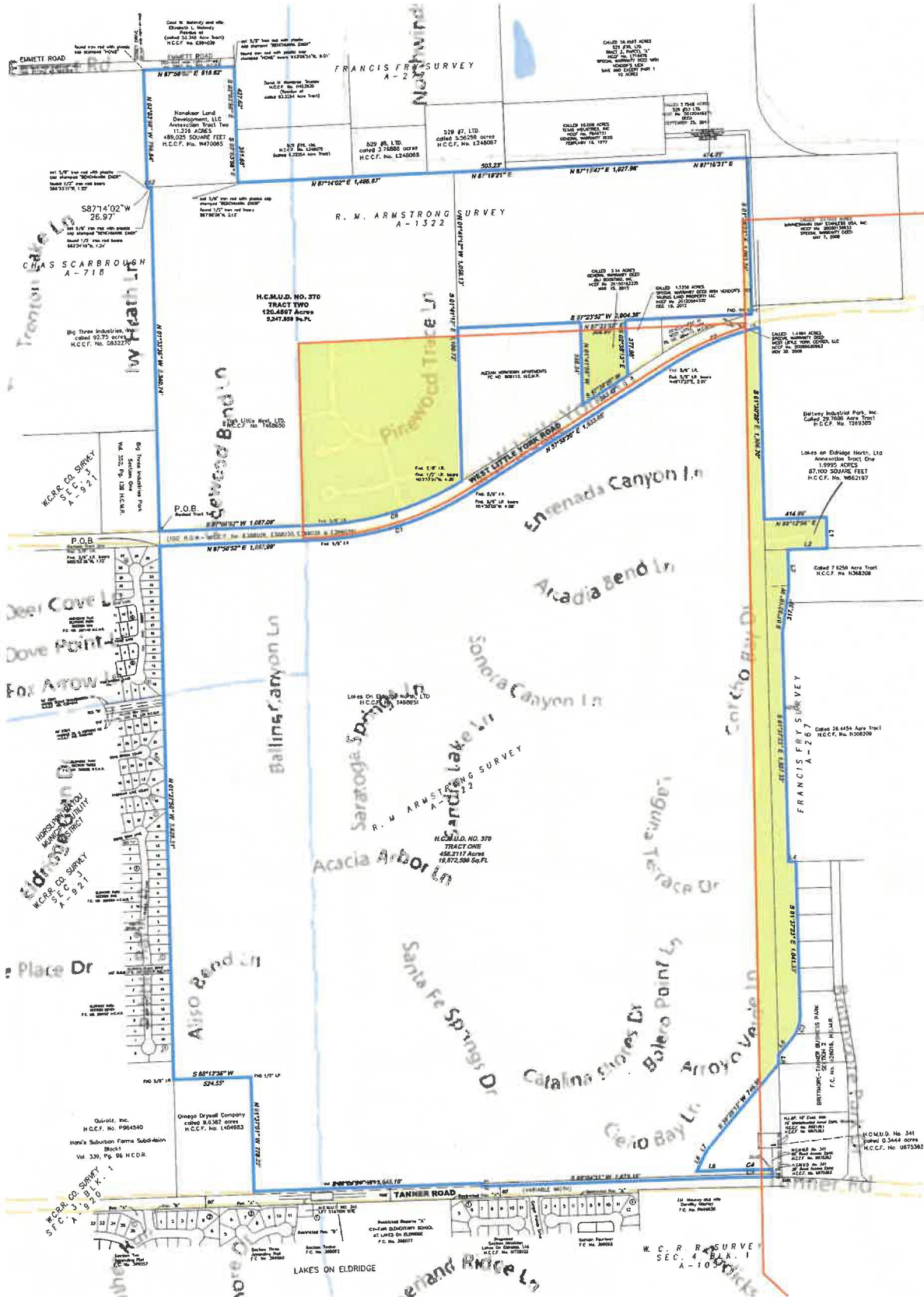
Scale: 1"=2,000'



AQUA TEXAS CCN BOUNDARY  
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT BOUNDARY  
HARRIS COUNTY, TEXAS  
BEC PROJECT NO. 8786  
DATE: AUGUST 17, 2021

Prepared by  
**Benchmark Engineering Corporation**  
Consulting Engineers - Planners - Surveyors  
2401 Fountainview Suite 220





AQUIA TEXAS CCH BOUNDARY  
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT BOUNDARY  
HARRIS COUNTY, TEXAS  
SEC. PROJECT NO. 87968  
DATE: AUGUST 11, 2021

**LEGEND**

- H.C. MOULD NO. 370 BOUNDARY
- AQUIA TEXAS CCH BOUNDARY (PER GIS SHAPEFILES)
- AREA TO BE REMOVED FROM CCH



AQUA TEXAS CCN BOUNDARY  
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT BOUNDARY  
HARRIS COUNTY, TEXAS

BEC PROJECT NO. 5786  
DATE: AUGUST 17, 2021

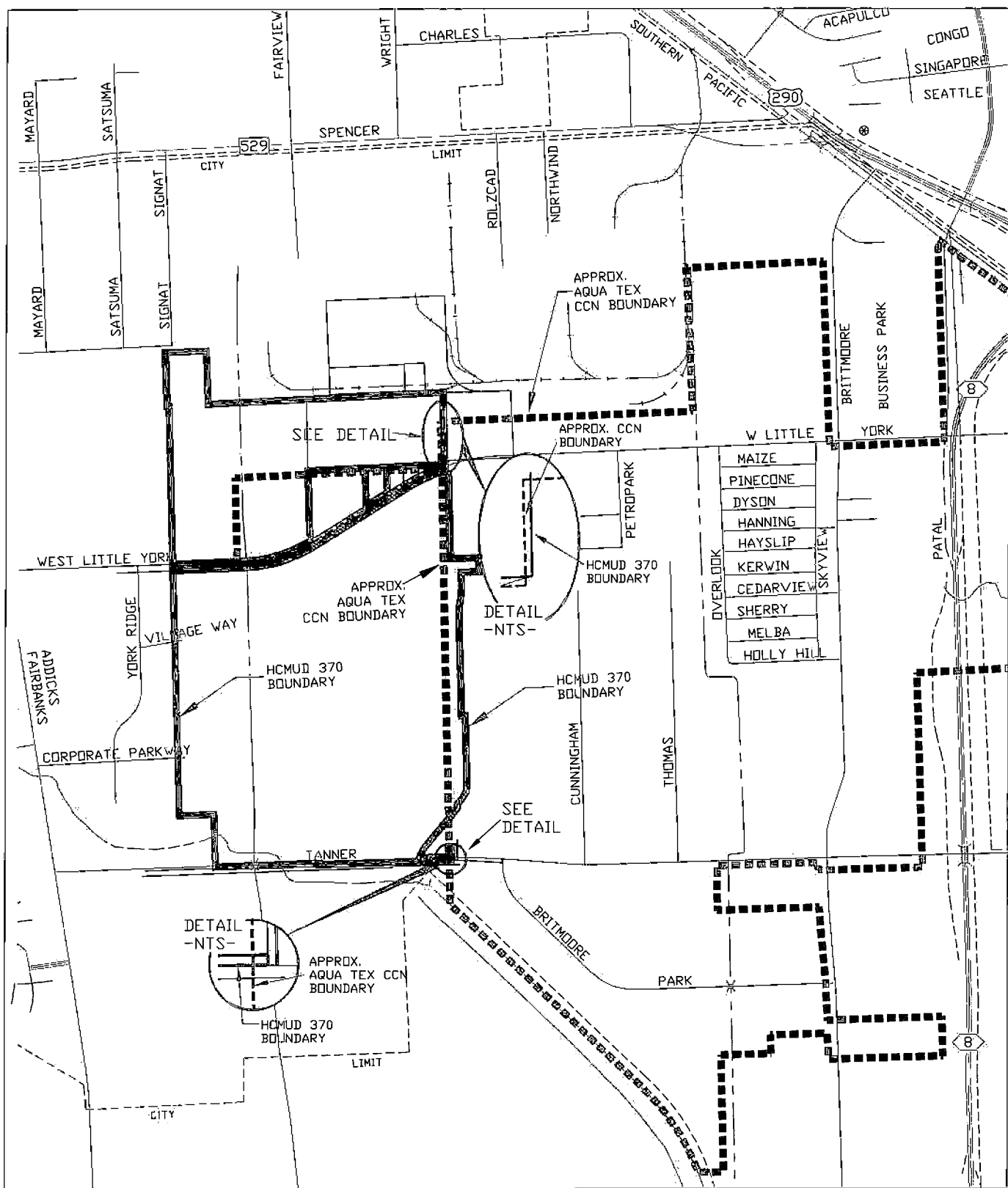
LEGEND

|  |   |
|--|---|
|  | HICOLD NO. 370 BOUNDARY                         |
|  | AQUA TEXAS CCN BOUNDARY<br>(PER GIS SHAPEFILES) |
|  | AREA TO BE REMOVED FROM CCN                     |

Prepared by  
**Benchmark Engineering Corporation**  
Consulting Engineers - Planners - Surveyors  
2401 Fountainview Suite 220

**EXHIBIT B**

Sewer CCN No. 21065 Areas



- HCMUD 370 BOUNDARY
- - - APPROX. AQUA TEX CCN BOUNDARY
- DE-ANNEXATION AREA

## DEANNEXATION AREA AQUA TEX CCN

R.M. ARMSTRONG SURVEY,

ABSTRACT No. 1322, HARRIS COUNTY TEXAS

RECORDED IN H.C.C.F. No. RP-2020-177513

L:\2020015 - 52ac West Little York\SURVEY\1\1\CAD\1\2\Exhibits\2020015 vicmap OR MUD.dwg, 8/31/2021 7:51:30 AM



**BENCHMARK ENGINEERING CORPORATION**

Consulting Engineers — Planners — Surveyors

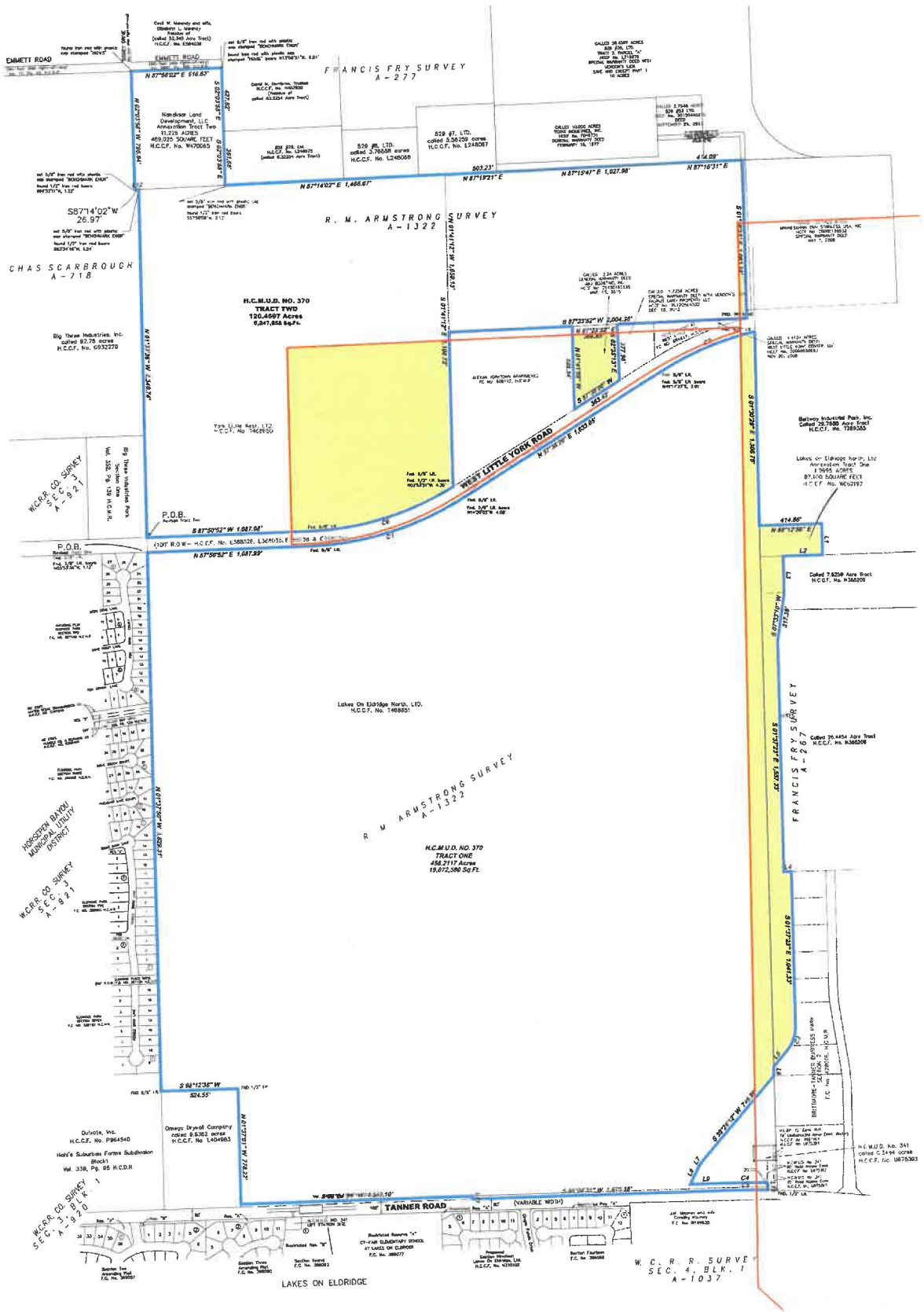
2401 Fountainview Suite 500

Houston, Texas 77057 U.S.A. (713)266-9930

Job No. 2020-015 Date: August, 2021

Scale: 1"=2,000'



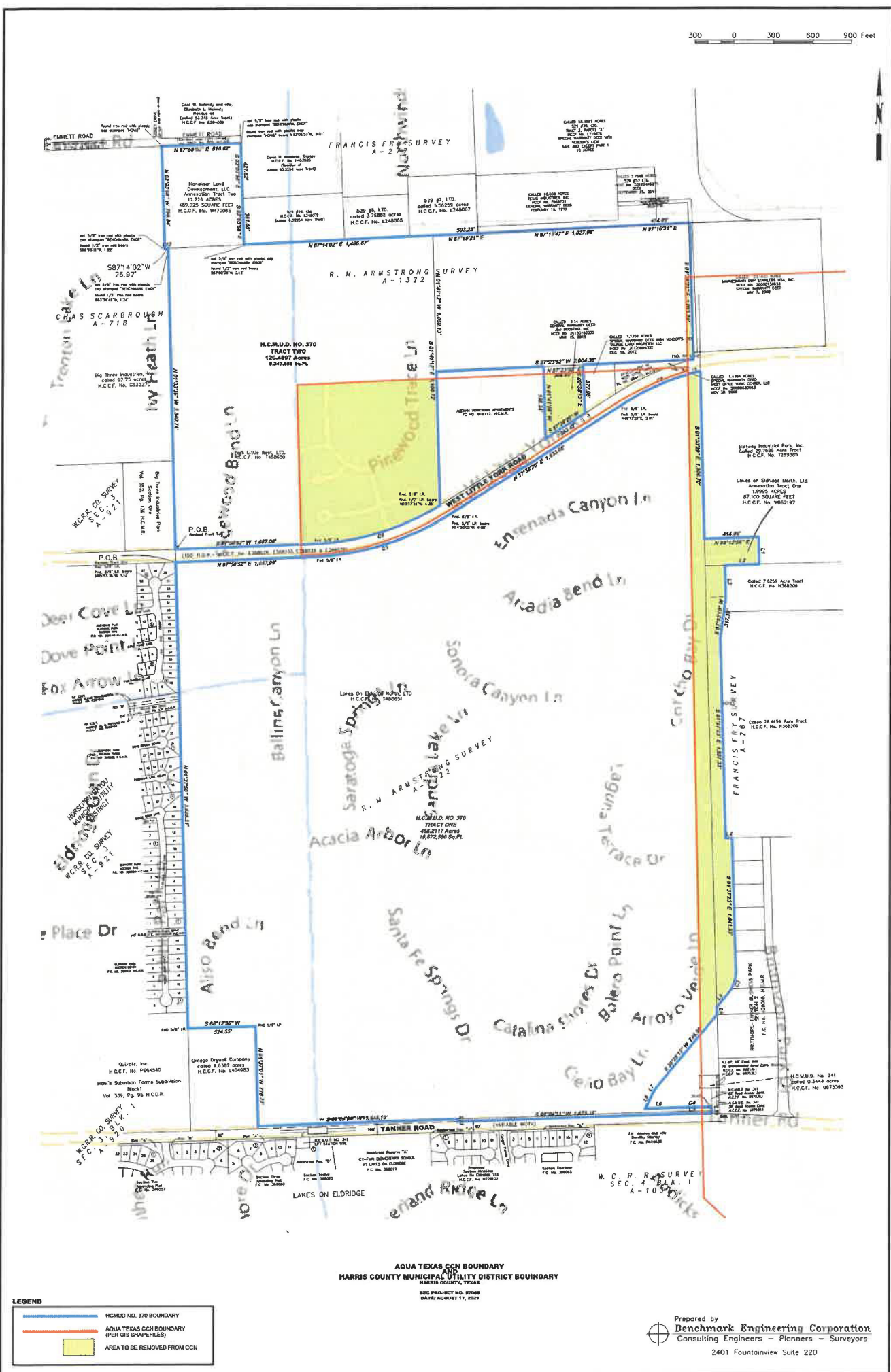


**LEGEND**

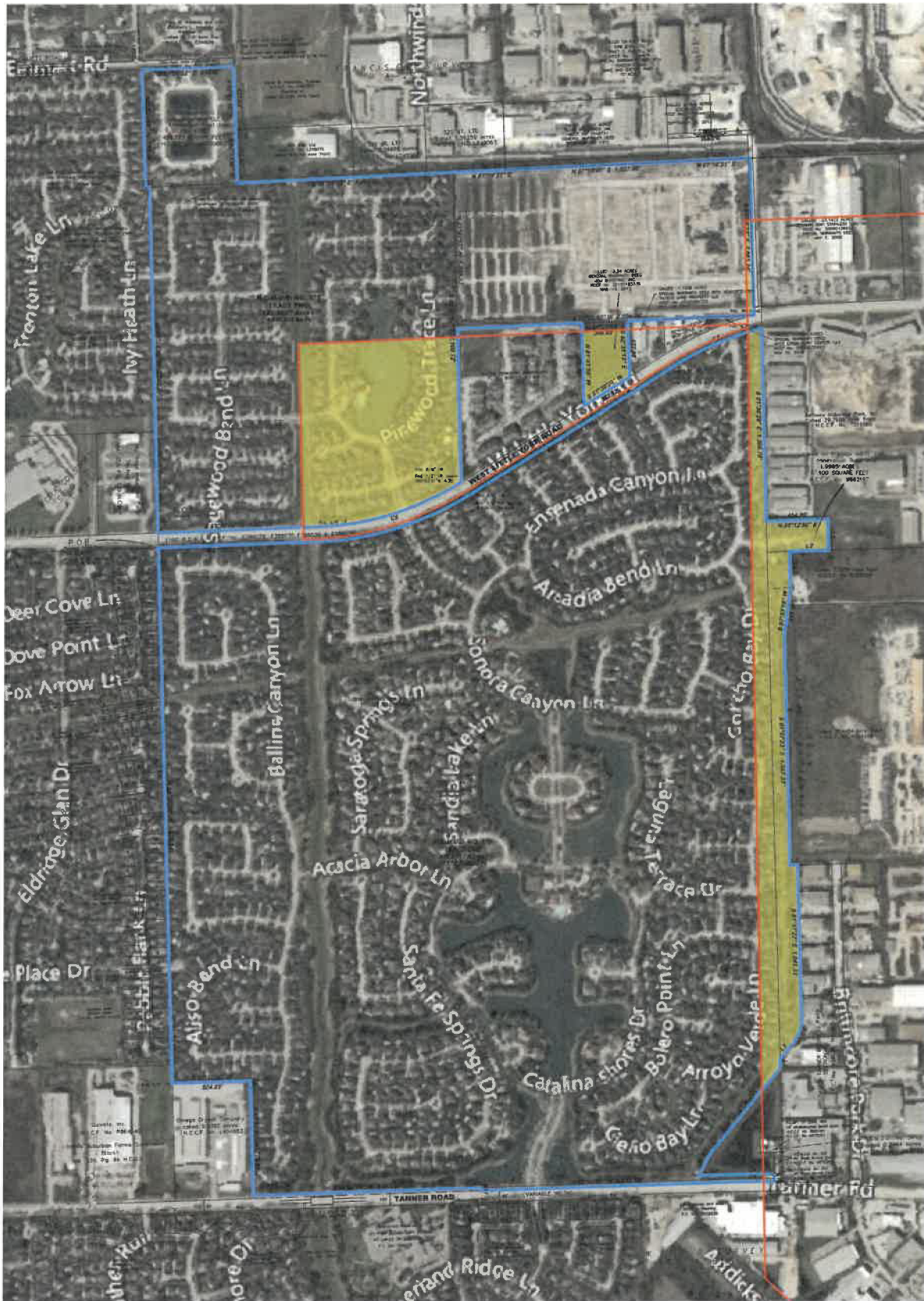
- HCAUD NO. 370 BOUNDARY
- AQUA TEXAS CCN BOUNDARY (PER GIS SHAPEFILES)
- AREA TO BE REMOVED FROM CCN

**AQUA TEXAS CCN BOUNDARY**  
**HARRIS COUNTY MUNICIPAL UTILITY DISTRICT BOUNDARY**  
 HARRIS COUNTY, TEXAS  
 REC. PROJECT NO. 8786  
 DATE, AUGUST 17, 2021

Prepared by  
**Benchmark Engineering Corporation**  
 Consulting Engineers - Planners - Surveyors  
 2401 Fountainview Suite 220







AQUA TEXAS CCN BOUNDARY  
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT BOUNDARY  
HARRIS COUNTY, TEXAS

BEG PROJECT NO. 5786  
DATE: AUGUST 17, 2021

LEGEND

|  |   |
|--|---|
|  | HICOLD NO. 370 BOUNDARY                         |
|  | AQUA TEXAS CCN BOUNDARY<br>(PER GIS SHAPEFILES) |
|  | AREA TO BE REMOVED FROM CCN                     |

Prepared by  
**Benchmark Engineering Corporation**  
Consulting Engineers - Planners - Surveyors  
2401 Fountainview Suite 220

## **EXHIBIT C**

### Factual Information Exhibit



**AFFIDAVIT OF ROBERT L. LAUGHMAN  
ON BEHALF OF AQUA TEXAS, INC.**

STATE OF TEXAS           §  
COUNTY OF HARRIS   §  
                                  §

BEFORE ME, the undersigned authority, on this day personally appeared Robert L. Laughman, whose identity is known to me. Upon being duly sworn he stated:

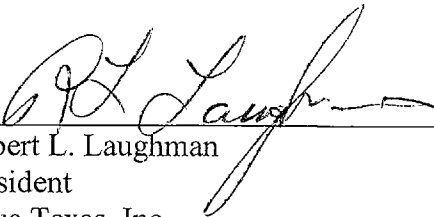
1. My name is Robert L. Laughman. I am of sound mind and capable of making this Affidavit. The facts stated in this Affidavit are within my personal knowledge and are true and correct.

2. I am the President of Aqua Texas, Inc. ("Aqua"), a Texas corporation. I have held that position for over 18 years.

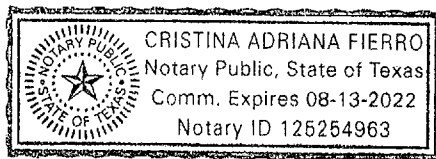
3. Exhibits A and B to Aqua's Petition for Partial Water and Sewer CCN Decertification in Harris County, Texas, shows portions of Aqua's water Certificate of Convenience and Necessity ("CCN") No. 13203 and sewer CCN No. 21065 service areas that Aqua seeks to voluntarily remove to permit service by Harris County Municipal Utility District No. 370 ("MUD 370"). Aqua does not currently have active customer water or sewer service connections in those areas.

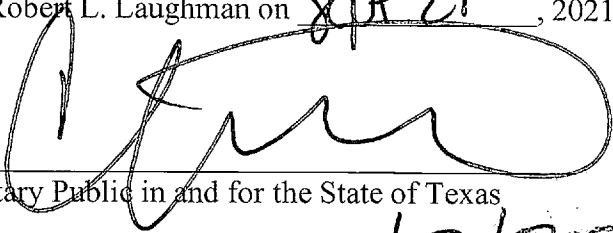
4. MUD 370 is not required to hold CCNs to serve the released areas as needs arise, but MUD 370 has represented to Aqua it plans to do so as the areas either are or will be located inside the MUD 370 boundaries. Aqua is being compensated for the agreed CCN decertification sought in its application in an amount Aqua has determined is just and adequate, including costs necessary to advance same.

Further affiant sayeth not.

  
Robert L. Laughman  
President  
Aqua Texas, Inc.

SWORN TO and SUBSCRIBED before me by Robert L. Laughman on Sept 21<sup>st</sup>, 2021.



  
Notary Public in and for the State of Texas

My commission expires: 08/13/2022

## **EXHIBIT D**

Shape Files

The following files are not convertible:

Aqua Tex CCN.DBF  
Aqua Tex CCN.IDX  
Aqua Tex CCN.PRJ  
Aqua Tex CCN.SHP  
Aqua Tex CCN.SHX

Please see the ZIP file for this Filing on the PUC Interchange in order to access these files.

Contact [centralrecords@puc.texas.gov](mailto:centralrecords@puc.texas.gov) if you have any questions.