



## Filing Receipt

**Received - 2022-05-04 02:18:33 PM**  
**Control Number - 52693**  
**ItemNumber - 12**

**DOCKET NO. 52693**

<b>PETITION OF ROSENDO L. GARCIA,</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>ISABEL R. GARCIA AND NICHOLAS</b>	<b>§</b>	
<b>R. GARCIA TO AMEND AQUA</b>	<b>§</b>	<b>OF TEXAS</b>
<b>WATER SUPPLY CORPORATION'S</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN BASTROP</b>	<b>§</b>	
<b>COUNTY BY EXPEDITED RELEASE</b>	<b>§</b>	
	<b>§</b>	

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

On October 12, 2021, Rosendo L. Garcia, Isabel R. Garcia, and Nicholas R. Garcia (collectively, Garcia) filed a petition for streamlined expedited release from Aqua Water Supply Corporation's (Aqua WSC) sewer Certificate of Convenience and Necessity (CCN) No. 20962 under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Garcia asserts that the land to be released is at least 25 contiguous acres, is not receiving sewer service, and is located in Bastrop and Travis Counties, which are qualifying counties.

On March 21, 2021, the administrative law judge (ALJ) filed Order No. 5, establishing a deadline of May 4, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the sufficiency of the supplemented petition and propose a procedural schedule. 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 Jolie Mathis, Infrastructure Division, recommends the supplemented petition, as amended, is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

**II. NOTICE SUFFICIENCY**

Under 16 TAC § 24.245(h)(3)(f), a landowner seeking streamlined expedited release must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition to the Commission. Garcia included in the

petition the certified mail tracking number and contents of a package mailed to Aqua WSC on the date the petition was filed with the Commission. Accordingly, Staff recommends that the notice is sufficient.

### III. RESTYLING THE DOCKET

Staff respectfully requests that the docket be restyled as *Rosendo L. Garcia, Isabel R. Garcia and Nicholas R. Garcia to Amend Aqua Water Supply Corporation's Sewer Certificate of Convenience and Necessity in Bastrop and Travis Counties by Streamlined Expedited Release* to reflect that a portion of the land at issue is also located in Travis County.

### IV. PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins once the ALJ issues an order finding a petition administratively complete. Staff recommends that the petition be found administratively complete. Therefore, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues an order finding the petition administratively complete. Please note that this represents a change in Staff's recommended standard procedural schedule for streamlined expedited release dockets and what Staff will be recommending on such dockets moving forward.<sup>1</sup>

Event	Date
Deadline for Aqua WSC and intervenors to file a response to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for Staff's recommendation on final disposition	34 days from the date of the order finding the petition administratively complete
Deadline for petitioners to file a reply to Aqua WSC response and Staff's recommendation on final disposition	41 days from the date of the order finding the petition administratively complete
Sixty-day administrative approval of streamlined expedited release	60 days from the date of the order finding the petition administratively complete
<b><i>In the event streamlined expedited release is granted and petitioner and Aqua WSC can select an agreed-upon appraiser</i></b>	
Deadline for petitioners and Aqua WSC to make a filing stating that they have selected an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release

<sup>1</sup> Petitioners E. Boert and Aqua WSC Normal Special Utility District's Certificate of Convenience and Necessity in Collin County by Expedited Release (Tract 3), Docket No. 52532, Commission Staff's Response to Order No. 7 and Notice of Intent to Change Recommendation to Standard Expedited Release (Mar. 3, 2022).

Deadline for appraiser's report	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to Aqua WSC	Within 60 days after appraiser's report
Deadline for petitioners to pay any compensation due to Aqua WSC	Within 90 days of the Commission's final order on compensation
<b><i>In the event streamlined expedited release is granted and petitioner and Aqua WSC are unable to select an agreed-upon appraiser</i></b>	
Deadline for petitioners and Aqua WSC to make a filing stating that they have been unable to select an agreed-upon appraiser and affirming that they each will pay half of the cost of Commission Staff's appraiser <sup>2</sup>	Within 10 days after the Commission approves streamlined expedited release <sup>3</sup>
Deadline for reports from petitioners' appraiser and Aqua WSC's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioners to Aqua WSC	Within 60 days after the Commission receives the final appraisal
Deadline for petitioners to pay any compensation due to Aqua WSC	Within 90 days of the Commission's final order on compensation

## V. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively complete, that the notice be found sufficient, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

---

<sup>2</sup> TWC § 13.2541(i).

<sup>3</sup> It is critical for Staff to know as soon as possible after the Commission grants the petition whether Staff needs to secure the services of a third appraiser. If the petitioner and CCN holder are unable to agree and fail to make this filing, Staff may need additional time to file its appraiser's report.

Dated: May 4, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Keith Rogas  
Division Director

Sneha Patel  
Managing Attorney

/s/ Bradley Reynolds  
Bradley Reynolds  
State Bar No. 24125839  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3480  
(512) 936-7307  
(512) 936-7268 (facsimile)  
Brad.Reynolds@puc.texas.gov

**DOCKET NO. 52693**

**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 May 4, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Bradley Reynolds  
Bradley Reynolds

# *Public Utility Commission of Texas*

---

## **Memorandum**

**TO:** Bradley Reynolds, Attorney  
Legal Division

**FROM:** Jolie Mathis, Utility Engineering Specialist  
Infrastructure Division

**DATE:** April 27, 2022

**RE:** Docket No. 52693 – *Petition of Rosendo L. Garcia, Isabel R. Garcia and Nicholas R. Garcia to Amend Aqua Water Supply Corporation's Sewer Certificate of Convenience and Necessity in Bastrop County by Expedited Release*

---

On October 12, 2021, Rosendo L. Garcia, Isabel R. Garcia and Nicholas R. Garcia (Garcia) filed a petition for streamlined expedited release from Aqua Water Supply Corporation's (Aqua WSC) sewer certificate of convenience and necessity (CCN) No. 20962 in Bastrop and Travis counties, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Garcia asserts that the land is at least 25 contiguous acres, is not receiving sewer service, and is located in Bastrop and Travis counties, which are qualifying counties.

Staff notes that the current style of this docket is “*Rosendo L. Garcia, Isabel R. Garcia and Nicholas R. Garcia to Amend Aqua Water Supply Corporation's Sewer Certificate of Convenience and Necessity in Bastrop County by Expedited Release.*” Staff requests that the style of the docket be changed to “*Rosendo L. Garcia, Isabel R. Garcia and Nicholas R. Garcia to Amend Aqua Water Supply Corporation's Sewer Certificate of Convenience and Necessity in Bastrop and Travis Counties by Streamlined Expedited Release*”

Garcia submitted a sworn affidavit attesting that the tract of land was not receiving sewer service from Aqua WSC and a warranty deed confirming ownership of the landowner's total property. Garcia included a statement indicating a copy of the petition was sent via certified mail to Aqua WSC on the date the petition was filed with the Commission.

Based on the mapping review by Tracy Montes, Infrastructure Division, the revised maps and digital data submitted on March 31, 2022 (Item 11) are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within Aqua WSC's sewer CCN. Tracy Montes determined the following:

The landowner's total property is approximately 181 acres. The tract of land in the petition for streamlined expedited release is approximately 156.8 acres, of which approximately 156.8 acres overlap Aqua WSC (CCN No. 20962) and would be decertified from CCN No. 20962.

Based on my technical and managerial review and the mapping review by Tracy Montes of the information provided by Garcia on March 31, 2022, I recommend the petition be deemed administratively complete and accepted for filing.