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Received - 2022-04-01 12:37:43 PM

Control Number - 52792

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DOCKET NO. 52792

PETITION OF PETRUS INVESTMENT, LP TO AMEND AQUA TEXAS, INC.’S CERTIFICATE OF CONVENIENCE AND NECESSITY IN DENTON COUNTY BY STREAMLINED EXPEDITED RELEASE § § **BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS**

AQUA TEXAS, INC.’S RESPONSE TO ORDER NO. 4

Aqua Texas, Inc. (Aqua) files this Response to Order No. 4 Requiring Clarification In support, Aqua shows as follows.

I. PROCEDURAL BACKGROUND

On November 5, 2021, Petrus Investment, LP (Applicant or Petitioner) filed a Petition to Amend Aqua Texas, Inc.’s Certificate of Convenience and Necessity in Denton County by Expedited Release (the Petition).¹ The Petition seeks streamlined expedited release (SER) for 749.34 acres of property in Denton County (Property) from Aqua certificate of convenience and necessity (CCN) No. 13201. The presiding Commission Administrative Law Judge (ALJ) deemed the Petition administratively complete on February 9, 2022, and on March 1, 2022 Aqua filed its Response to the Petition. On March 29, 2022, the ALJ issued Order No. 4 requiring clarification by Aqua for attachment 1 and attachment 2 to its Response by April 1, 2022.² Therefore, this pleading is timely filed.

II. REQUESTED CLARIFICATIONS

Attached please find a revised version of Attachment 1 to Aqua’s response in which Aqua has added a legend with information specified in Order No. 4, now labeled **Attachment 3**.³ Additionally, Aqua has added information to the map included with the utility easement document

¹ For purposes of this proceeding, the Petition is considered the Application as defined in the Commission’s Procedural Rules under 16 TAC § 22.2(6).

² The Affidavit of Darryl Waldoock included with the Response includes a document referenced as Attachment 2, but the label used for that document indicates it was Attachment B. That label should have been labeled as Attachment 2, and that is the document Aqua understands the Honorable ALJ is referencing as “attachment 2” in Order No. 4.


³ **Attachment 3 (Revised Aqua GIS Map)**.

attached to Aqua's Response and referenced in the Affidavit of Daryl Waldock as Attachment 2, now labeled herein as **Attachment 4**, that Aqua believes conforms with Order No. 4.⁴ Aqua notes that it did not create the utility easement document and cannot enhance the legibility of the map it includes.

III. CONCLUSION

Aqua respectfully re-urges its request for the Commission to deny the Petition because it cannot lawfully be granted under TWC § 13.2541. Alternatively, if the Commission approves the Petition, Aqua seeks just and adequate compensation for the decertification of portions of its water CCN No. 13201. Aqua also seeks all and further relief to which it may be justly entitled at law or in equity.

Respectfully submitted,

By: 

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ATTORNEY FOR AQUA TEXAS, INC.

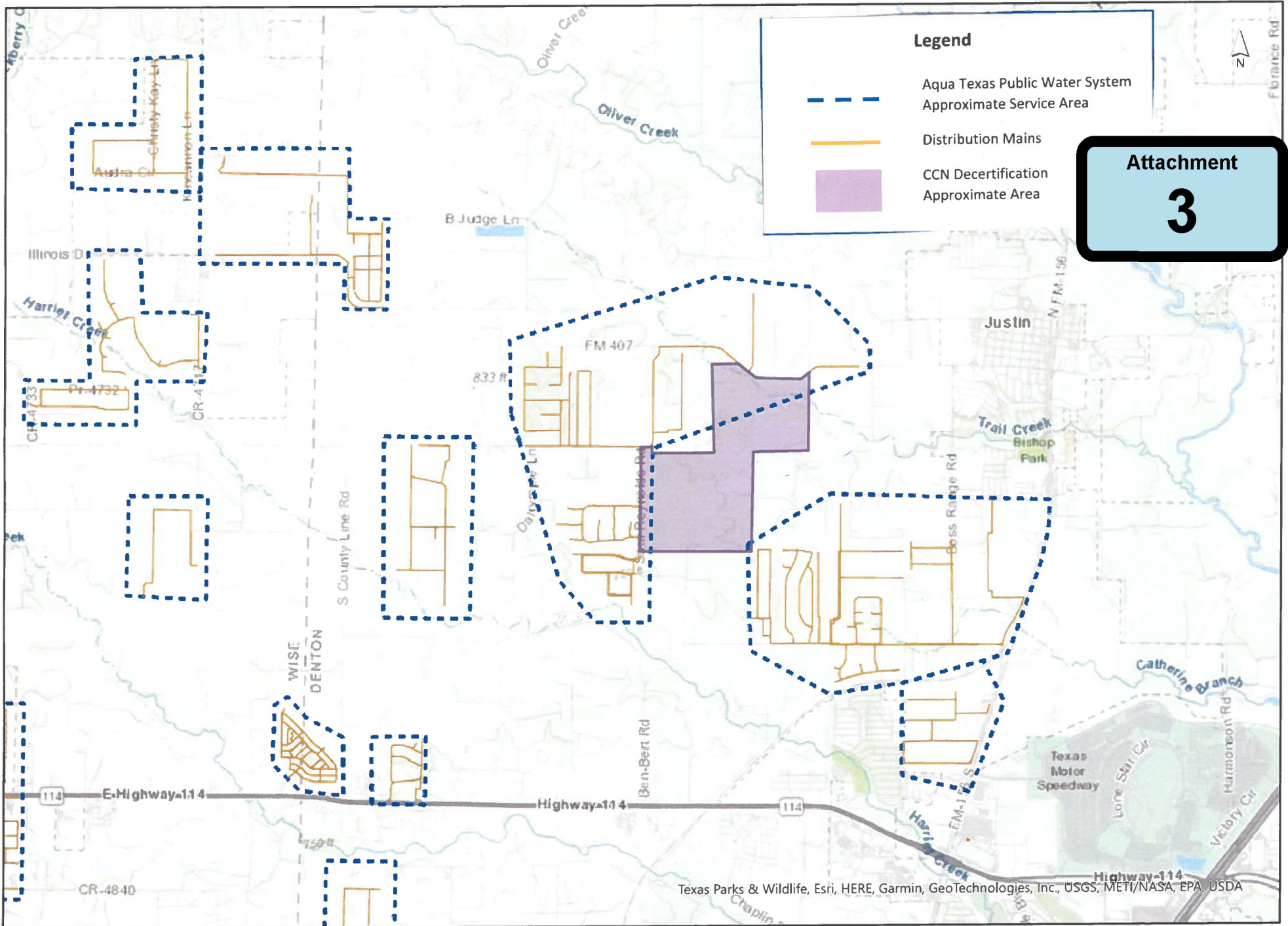
CERTIFICATE OF SERVICE

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 April 1, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

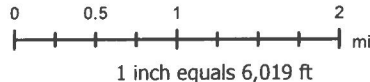


Geoffrey P. Kirshbaum

⁴ **Attachment 4** (Revised Utility Easement Map); *see also* n.2 discussion.



Printed: Feb 25, 2022

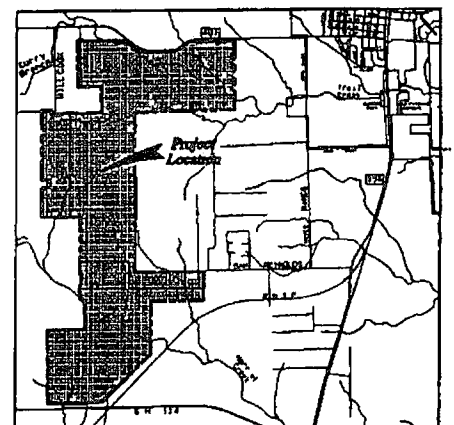
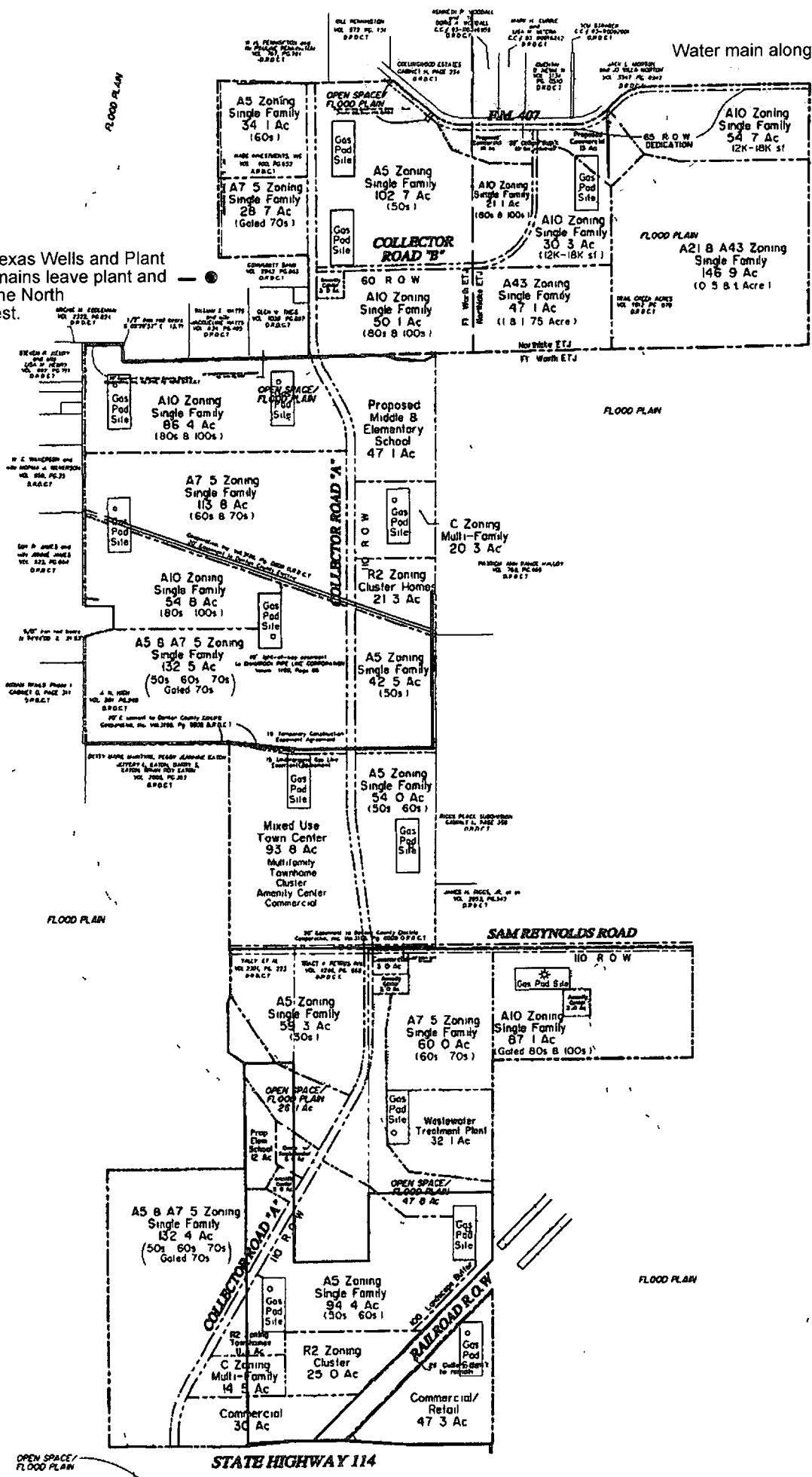


These maps should be used as a reference to the general location of water/waste water system information as interpreted from documents submitted to the Engineering department. Refer to specific engineering plans for more detailed information.
Report corrections to AquaGIS mailbox: aquagis@aquamerica.com



Water main along south side of FM 407 (Highlighted).

Aqua Texas Wells and Plant
Water mains leave plant and
run to the North
and West.



Vicinity Map
NTS

Legend

[Symbol]	COMMERCIAL - 111.1 Acres
[Symbol]	A5 - 50 x110 & 60 x115 - 519.5 Acres
[Symbol]	A7.5 - 60 x125 & 70'x125 - 335.0 Acres
[Symbol]	AIO - 90 x187 & 100 x200' - 329.8 Acres
[Symbol]	A21 & A43 - ESTATE LOTS - 194.0 Acres
[Symbol]	R2 - TOWNHOUSE/CLUSTER HOME - 57.8 Acres
[Symbol]	MIDDLE & ELEMENTARY SCHOOL - 47.1 Acres
[Symbol]	ELEMENTARY SCHOOL - 12 Acres
[Symbol]	MULTIFAMILY - 34.8 Acres
[Symbol]	TOWN CENTER - 93.8 Acres
[Symbol]	OPEN SPACE/GAS PADS/R.O.W. - 242.2 Acres

*Note: Zoning Shown as Fort Worth Equivalent for Concept Planning Purposes

Attachment
4

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CONCEPT PLAN
 FOR
JUSTIN RANCH SOUTH
 BEING
 1977.11 Acres
 SITUATED IN THE
 GUADALUPE CARDINAS SURVEY,
 ABSTRACT NO 1439
 DENTON COUNTY, TEXAS
 CITY OF FORT WORTH ETJ & NORTHLAKE ETJ
 JANUARY 2004