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

**COMMISSION STAFF’S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND NOTICE**

On November 5, 2021, Petrus Investment, L.P. (Petrus Investment) filed a petition for streamlined expedited release from Aqua Texas Inc.'s (Aqua Texas) water Certificate of Convenience and Necessity (CCN) No. 13201 under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Petrus Investment asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.¹ According to the 2010 Census,² Denton County is adjacent to Dallas County, which has a population of at least one million,³ and does not have a population of more than 45,000 and less than 47,500.⁴ Petrus Investment filed supplemental information on January 6, 2022.

On December 9, 2021, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of February 8, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments regarding the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and, as detailed in the attached memoranda from Pai Liu of the Commission’s Infrastructure Division, recommends that the application be found

¹ TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).

² See Tex. Gov’t Code § 2058.0021 for applicability of 2010 Census in determination whether the land is a qualifying county.

³ U.S. Census Bureau, Census Data for Dallas County, QuickFacts Dallas County, Texas (2010), <https://www.census.gov/quickfacts/fact/table/dallascountytexas/POP010210> (last accessed Feb. 4, 2022).

⁴ U.S. Census Bureau, Census Data for Denton County, QuickFacts Denton County, Texas (2010), <https://www.census.gov/quickfacts/fact/table/dentoncountytexas/POP010210> (last accessed Feb 4, 2022).

administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the application.

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. In a signed certificate of service included in the application, Petrus Investment certified that it mailed a true and correct copy of its petition to the CCN holder, Aqua Texas, by certified mail on the date the petition was filed with the Commission. Accordingly, Staff recommends that the notice is sufficient

III. 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.

| Event | Date |
|---|---|
| Deadline for Aqua Texas 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 Petrus Investment's 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 |
| <i>In the event streamlined expedited release is granted and petitioner and Aqua Texas can select an agreed-upon appraiser</i> | |
| Deadline for petitioner and Aqua Texas to make a filing stating that they have selected an agreed-upon appraiser | Within 10 days after the Commission approves streamlined expedited release |

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|--|---|
| 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 Texas | Within 60 days after appraiser's report |
| Deadline for petitioner to pay any compensation due to Aqua Texas | Within 90 days of the Commission's final order on compensation |
| <i>In the event streamlined expedited release is granted and petitioner and Aqua Texas are unable to select an agreed-upon appraiser</i> | |
| Deadline for petitioner and Aqua Texas to make a filing stating that they have been unable to select an agreed-upon appraiser and affirming that they will pay half to the cost of Commission Staff's appraiser ⁵ | Within 10 days after the Commission approves streamlined expedited release ⁶ |
| Deadline for reports from petitioner's appraiser and Aqua Texas'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 petitioner to Aqua Texas | Within 60 days after the Commission receives the final appraisal |
| Deadline for petitioner to pay any compensation due to Aqua Texas | Within 90 days of the Commission's final order on compensation |

IV. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that Petrus Investment's petition be found administratively complete and that the proposed procedural schedule be adopted.

⁵ TWC § 13.2541(i).

⁶ 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: February 8, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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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 February 8, 2022, in accordance with the Order Suspending Rules issued in Project No. 50664.

/s/ Ian Groetsch
Ian Groetsch

TO: Ian Groetsch, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: February 8, 2022

RE: Docket No. 52792 – *Petition of Petrus Investment, L.P. to Amend Aqua Texas Inc.'s Certificate of Convenience and Necessity in Denton County by Streamlined Expedited Release*

On November 5, 2021, Petrus Investment, L.P. (Petrus Investment) filed a petition for streamlined expedited release from Aqua Texas Inc.'s (Aqua) water certificate of convenience and necessity (CCN) No. 13201 in Denton County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Petrus Investment asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

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

Based on the mapping review by Tracy Montes, Infrastructure Division, the maps submitted with Item 5 on January 6, 2022, are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within Aqua's water CCN. Tracy Montes determined the following:

The landowner's total property is approximately 749.3 acres. The tract of land in the petition for streamlined expedited release is approximately 749.3 acres, of which 748.9 acres overlap Aqua Texas Inc. (CCN No. 13201) and are to be decertified from CCN No. 13201.

Based on my technical and managerial review and the mapping review by Tracy Montes of the information provided by Petrus Investment on January 6, 2022 I recommend the petition be deemed administratively complete and accepted for filing.