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DOCKET NO. 52965

PETITION OF AQUA TEXAS, INC.	§	PUBLIC UTILITY COMMISSION
FOR PARTIAL DECERTIFICATION	§	
OF ITS WATER CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
DENTON AND WISE COUNTIES	§	

COMMISSION STAFF'S FINAL RECOMMENDATION

On December 10, 2021, Aqua Texas, Inc. (Aqua Texas) filed a petition to decertify a portion of its Certificate of Convenience and Necessity (CCN) No. 13201 in Denton and Wise counties. Aqua Texas seeks to decertify approximately 1,017 acres that is or will be located inside the boundaries of Alpha Ranch Fresh Water Supply District and Brookfield Fresh Water Supply District. Aqua Texas filed supplemental information on December 22 and 27, 2021, and February 18, 2022.

On March 21, 2022, the administrative law judge (ALJ) filed Order No. 4, establishing a deadline for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a final recommendation on the application by May 6, 2022. Therefore, this pleading is timely filed.

I. STAFF'S RECOMMENDATION

As detailed in the attached memorandum from Patricia Garcia of the Infrastructure Division, Staff has reviewed the application and all supplemental information that has been provided and recommends that the application be approved. The certificate and map that Aqua Texas consented to in their consent form filed on April 28, 2022, are attached. The parties will file a joint proposed findings of fact and conclusions of law by May 20, 2022, in accordance with the procedural schedule established in Order No. 4.

II. CONCLUSION

For the reasons discussed above, Staff recommends that the application be approved.

Dated: May 6, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

Robert Dakota Parish
Managing Attorney

/s/ Ian Groetsch
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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 on May 6, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Ian Groetsch
Ian Groetsch

Public Utility Commission of Texas

Memorandum

TO: Ian Groetsch, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: May 6, 2021

RE: Docket No. 52965 – *Petition of Aqua Texas, Inc. for Partial Decertification of its Water Certificate of Convenience and Necessity in Denton and Wise Counties*

1. Application

On December 10, 2021, Aqua Texas, Inc. (Aqua Texas) filed a petition to decertify a portion of its water certificate of convenience and necessity (CCN) No. 13201 in Denton and Wise Counties, Texas under Texas Water Code (TWC) § 13.254(a) and 16 Texas Administrative Code (TAC) § 24.245(d).

The requested area includes 0 customer connections and approximately 1,017 acres of decertified area (from CCN No. 13201).

The petition proposes the subtraction of approximately 1,017 acres from CCN No. 13201.

2. Notice

The deadline to intervene was January 24, 2022; there were no motions to intervene, protests, or opt-out requests received.

3. Factors Considered

Under TWC § 13.250 and 16 TAC § 24.245, the Commission must consider certain factors when decertifying a portion of a water and sewer CCN. Therefore, the following factors were considered.

3.1. *Consideration of whether the Applicant qualifies for decertifying a portion of its water and sewer CCN (16 TAC § 24.245(d)(1)).*

Aqua Texas has never provided water service to any customers in the requested area. Aqua Texas has not received any requests for water and sewer service in the requested area.

Aqua Texas indicated that the area being requested for decertification is “located inside (or will be located inside) the boundaries of Alpha Ranch Fresh Water Supply District and Brookfield Fresh Water Supply District (the "Districts").”

3.2. *Consideration of the effect of granting the decertification on the current CCN holder, any existing customers, and the landowners in the area (16 TAC § 24.245(d)(2)(C)).*

Aqua Texas has an agreement with the Districts to seek the decertification requested in this docket. Aqua Texas will not be required to provide adequate and continuous service to the requested area. Aqua Texas does not own any facilities in the requested area. Aqua Texas does not serve customers in the requested area.

3.3. *Consideration of the Applicant’s ability to serve continuous and adequate service to all remaining customers within its certificated area (TWC § 13.250(a)).*

Decertification of the requested area will not impact Aqua Texas’s ability to serve the remaining customers in its certificated area. The remaining customers are served by public water systems outside of the requested area.

3.4 *Consideration of whether the requested area will be adversely impacted in the present or future (TWC § 13.250(b)).*

Aqua Texas has no customers and owns no facilities in the requested area so service to the requested area will not be discontinued, reduced, or impaired.

3.5. *Compensation from a prospective retail public utility (16 TAC § 24.245(d)(2)(F)).*

The provisions of 16 TAC § 24.245(d)(2)(F) makes clear that Aqua Texas is not entitled to compensation from a prospective retail public utility if the request to decertify the requested area is granted.

4. Recommendation

Based on the mapping review by Gary Horton, Infrastructure Division, and my technical and managerial review, I recommend that Aqua Texas meets all of the statutory requirements of Texas Water Code Chapter 13 and the Commission's Chapter 24 rules and regulations, is capable of providing continuous and adequate service to its remaining customers and approving this application to decertify a portion of its water CCN No. 13201 is necessary for the accommodation, convenience, and safety of the public.

Aqua Texas consented to the attached map and certificate on April 28, 2022.



Public Utility Commission of Texas

By These Presents Be It Known To All That

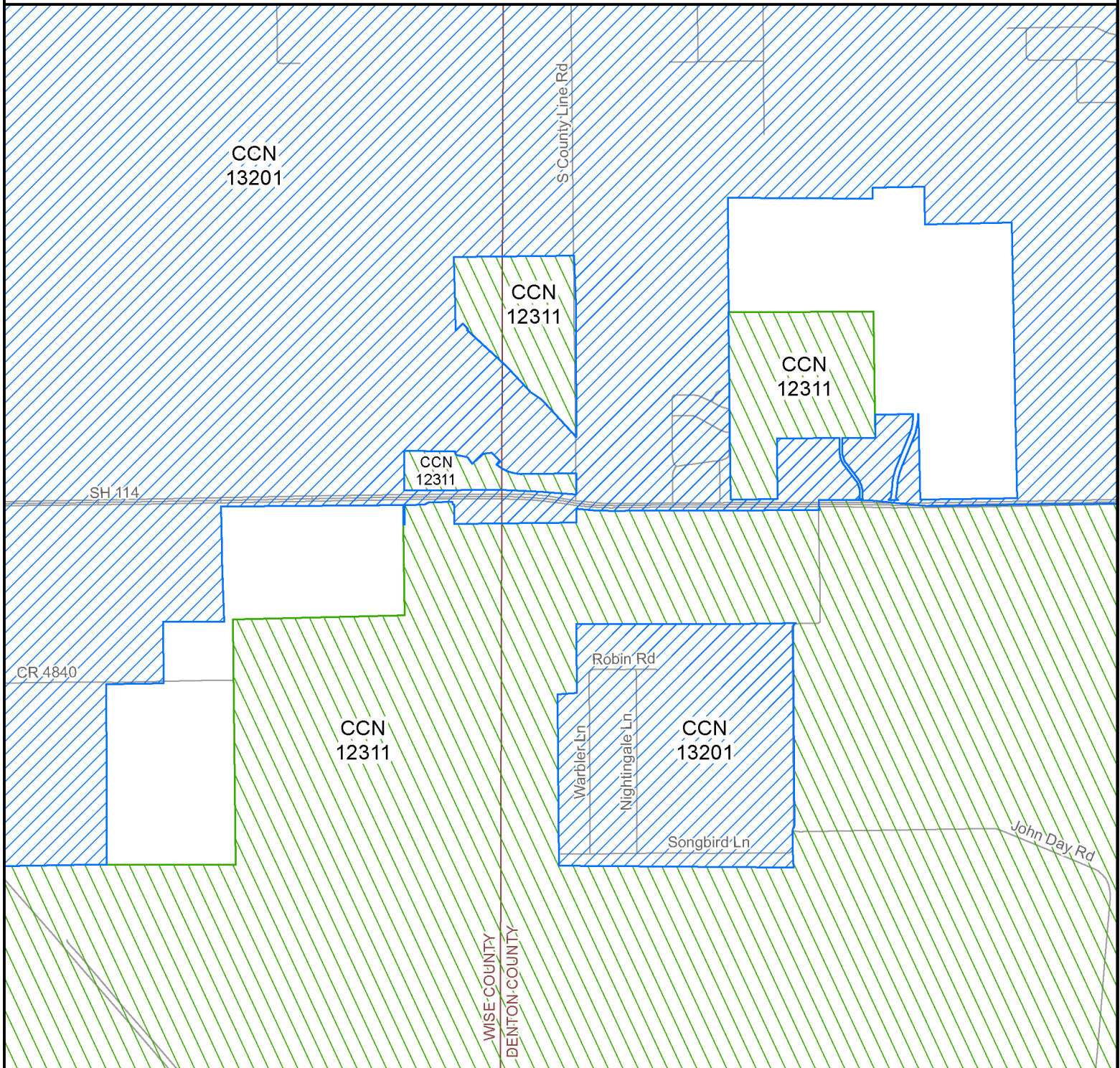
Aqua Texas, Inc.

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Aqua Texas, Inc. is entitled to this

Certificate of Convenience and Necessity No. 13201



to provide continuous and adequate water utility service to that service area or those service areas in Anderson, Bosque, Camp, Cherokee, Collin, Cooke, Denton, Erath, Grayson, Gregg, Henderson, Hood, Hunt, Johnson, Kaufman, McLennan, Marion, Parker, Smith, Somervell, Tarrant, Wise, and Wood Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52965 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Aqua Texas, Inc. to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Aqua Texas, Inc.
Portion of Water CCN No. 13201
PUC Docket No. 52965
Decertified a Portion of CCN No. 13201 in Denton and Wise Counties



Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

Water CCN

-  13201 - Aqua Texas Inc
-  12311 - City of Fort Worth

0 1,500 3,000
Feet



Map by: Komal Patel
Date: April 7, 2022
Project: 52965AquaTexas.mxd