



## Filing Receipt

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**Control Number - 52965**

**ItemNumber - 16**

**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 §**

**NOTICE OF APPROVAL**

This Notice of Approval addresses the petition of Aqua Texas, Inc. to amend its certificate of convenience and necessity (CCN) number 13201 to decertify approximately 1,017 acres of water service area in Denton and Wise counties. The Commission amends Aqua Texas’s CCN number 13201 to decertify the requested area, to the extent provided in this Notice of Approval.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Petitioner**

1. Aqua Texas is a Texas corporation registered with Texas secretary of state under filing number 800304878.
2. Aqua Texas operates, maintains, and controls facilities for providing retail water service in in Denton and Wise counties, among other counties, in its geographic north operating region under CCN number 13201.

**Petition**

3. On December 10, 2021, Aqua Texas filed a petition to decertify a portion of its water CCN number 13201 in Denton and Wise counties.
4. On December 22 and 27, 2021, and February 18, 2022, Aqua Texas filed supplements to the petition.
5. The requested area for decertification consists of approximately 1,017 acres located inside or to be located inside the boundaries of Alpha Ranch Fresh Water Supply District and Brookfield Fresh Water Supply District (the Districts).

6. The requested area is located north of downtown Fort Worth, Texas and is generally located between Highway 287 and Blue Mound Road and is adjacent to Highway 114.
7. Aqua Texas is seeking the amendment in exchange for the compensation agreed upon between the Districts and Aqua Texas in a previously executed agreement.
8. Aqua Texas has no current customers and no utility infrastructure in the requested area.
9. In Order No. 4 filed on March 21, 2022, the administrative law judge (ALJ) found the petition, as supplemented, administratively complete.

### **Notice**

10. On February 18, 2022, Aqua Texas filed affidavits of all the landowners in the requested area attesting that they waive any right to notice of this proceeding.
11. On March 18, 2022, Commission Staff recommended granting to Aqua Texas a good cause waiver of the notice requirements under 16 Texas Administrative Code (TAC) § 24.245(d)(2)(A).
12. In Order No. 4 filed on March 21, 2022, the ALJ found good cause to waive the notice requirements.

### **Evidentiary Record**

13. In Order No. 5 filed on May 27, 2022, the ALJ admitted the following evidence into the record: (a) Aqua Texas's petition and all attachments filed on December 10, 2021; (b) Aqua Texas's supplement to the petition filed on December 22, 2021; (c) Aqua Texas's supplement to the petition filed on December 27, 2021; (d) Aqua Texas's supplement to the petition filed on February 18, 2022; (e) Commission Staff's recommendation on administrative completeness, waiver of notice and proposed procedural schedule filed on March 18, 2022; (f) Aqua Texas's consent form filed on April 28, 2022; (g) Commission Staff's final recommendation and all attachments filed on May 6, 2022; and (h) the final map and amended certificate attached to the joint motion to admit evidence and proposed notice of approval filed on May 20, 2022.

### **Circumstances of Decertification and Consent of Certificate Holder**

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

15. Aqua Texas does not own any facilities in the area to be decertified.
16. The requested area is located inside, or will be located inside, the Districts' boundaries.
17. Aqua Texas has provided written consent to amend its CCN by decertifying the requested area.
18. The requested area to be decertified overlaps with portions of the Districts' boundaries and the Districts want to exercise their authority to provide retail water service to the requested area as needed.

**Effect of Granting the Amendment**

19. Granting the CCN amendment will not adversely affect any other retail public utility of the same kind in the proximate area.
20. Granting Aqua Texas's CCN amendment will enable the Districts to provide service in the requested area.
21. The Districts will be the service providers for future customers in the requested area.
22. On February 18, 2022, Aqua Texas filed the affidavits of all of the landowners in the requested area attesting that they consent to the decertification.
23. Landowners in the requested area will not be adversely affected by the decertification.
24. Decertification of the requested area will not impact Aqua Texas's ability to serve its customers in its remaining certificated area.
25. 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.

**Adequate Compensation**

26. Because Aqua Texas has never had customers or facilities in the requested area, no compensation for the requested area is due to Aqua Texas from another retail public utility.

**Map and Certificate**

27. On April 13, 2022, Commission Staff emailed the proposed final map and certificate to Aqua Texas.
28. On April 28, 2022, Aqua Texas filed its consent to the proposed final map and certificate.

29. The final map and certificate were filed as attachments to the joint motion to admit evidence and proposed notice of approval filed on May 20, 2022.

**Informal Disposition**

30. More than 15 days have passed since completion of notice provided in this docket.
31. No person filed a protest or motion to intervene.
32. Aqua Texas and Commission Staff are the only parties to the proceeding.
33. No party requested a hearing and no hearing is needed.
34. Commission Staff recommended approval of the petition.
35. This decision is not adverse to any party.

**II. Conclusions of Law**

The Commission makes the follow conclusions of law.

1. The Commission has authority over this proceeding under Texas Water Code (TWC) §§ 13.241, 13.242, 13.244, 13.246, 13.250, and 13.254.
2. Aqua Texas is a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(31).
3. Aqua Texas met the requirements of TWC § 13.254 and 16 TAC § 24.245 for decertification of the requested area.
4. Aqua Texas consented to decertification of the requested area in writing, as required by TWC § 13.254(a) and 16 TAC § 24.245(d)(1)(E).
5. Aqua Texas's petition meets the requirements of TWC § 13.244.
6. The Commission processed the petition in accordance with the requirements of the Administrative Procedure Act,<sup>1</sup> TWC, and Commission rules.
7. Aqua Texas demonstrated that the requested amendment to its CCN number 13201 will not affect its ability to provide retail public water service to remaining customers in its

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<sup>1</sup> Tex. Gov't. Code §§ 2001.001–.903.

- certificated service area and neither the present nor future convenience and necessity in those area will be adversely affected in accordance with TWC § 13.250(a)-(b).
8. Under TWC § 13.254(h), after the date of this Notice of Approval, Aqua Texas has no obligation to provide retail water service to the requested area.
  9. Under TWC § 13.257(r) and (s), Aqua Texas must record a certified copy of the approved map and certificate, along with a boundary description of the service area, in the real property records of Denton and Wise counties within 31 days of this Notice of Approval and must submit evidence of the recording to the Commission.
  10. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

### **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission amends Aqua Texas's CCN number 13201 to decertify the requested area to the extent provided in this Notice of Approval.
2. The Commission approves the map attached to this Notice of Approval.
3. The Commission issues the certificate attached to this Notice of Approval.
4. Aqua Texas must provide service to every customer and applicant for service within the area certified under its CCN number 13201 who requests water service and meets the terms of its water service policies, and such service must be continuous and adequate.
5. Aqua Texas must comply with the recording requirements of TWC § 13.257(r) and (s) for the areas in Denton and Wise counties affected by this petition and must submit to the Commission evidence of the recording no later than 45 days after receipt of this Notice of Approval.
6. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the 15th day of June 2022.

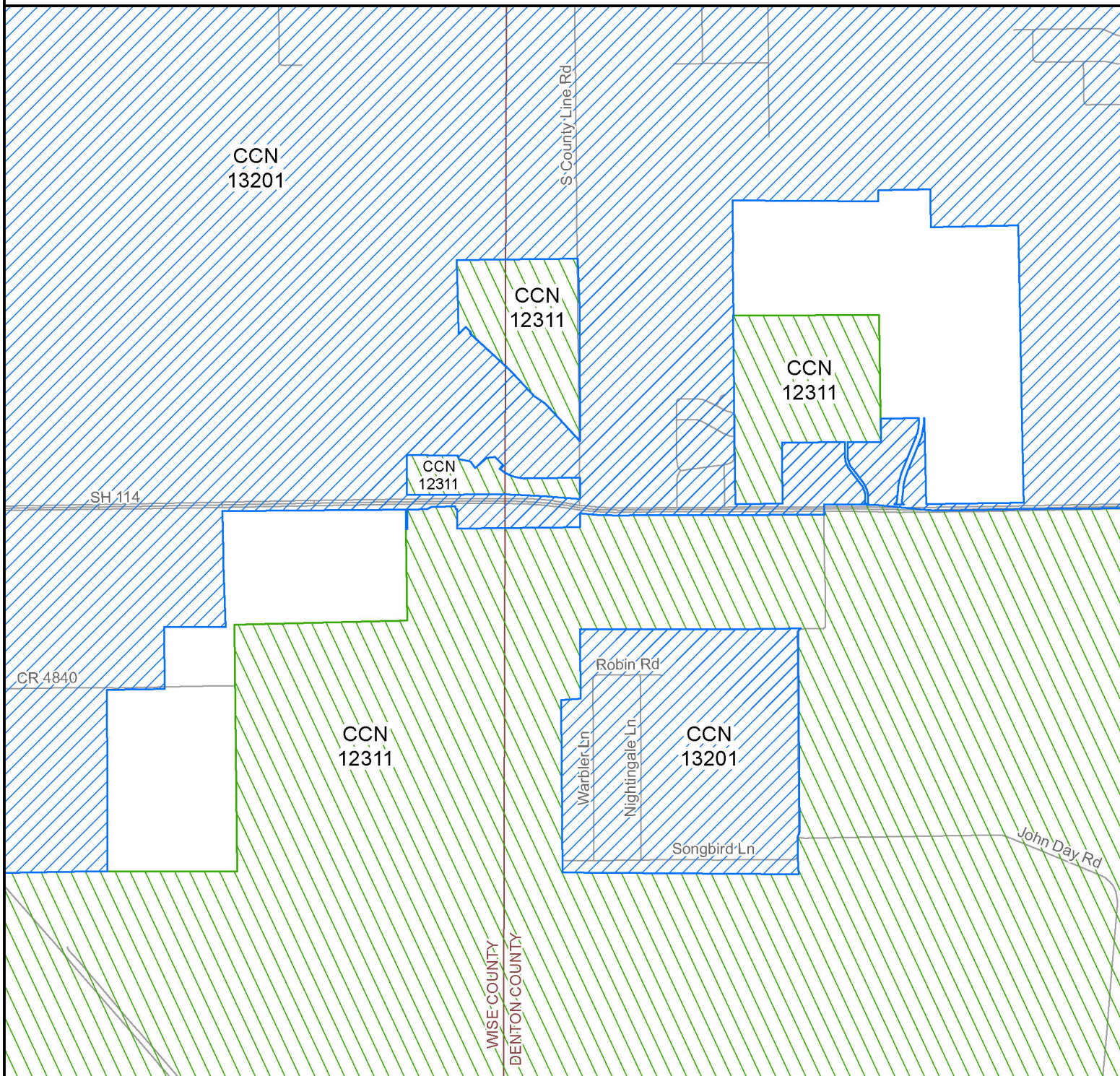
**PUBLIC UTILITY COMMISSION OF TEXAS**

A handwritten signature in black ink that reads "Christina Denmark". The signature is written in a cursive style with a long horizontal flourish extending to the right.



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**CHRISTINA DENMARK  
ADMINISTRATIVE LAW JUDGE**

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



**Water CCN**

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







# **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.