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PUC DOCKET NO. _____

PETITION BY AQUA TEXAS, INC.	§	PUBLIC UTILITY COMMISSION
FOR PARTIAL DECERTIFICATION	§	
OF ITS WATER CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY	§	
NO. 13201 IN DENTON AND WISE	§	
COUNTIES		

AQUA TEXAS' PETITION FOR PARTIAL DECERTIFICATION

COMES NOW, Aqua Texas, Inc. d/b/a Aqua Texas ("Aqua Texas" or "Applicant") and files this Petition for Partial Decertification in relation to a portion of its water Certificate of Convenience and Necessity ("CCN") No. 13201 located in Denton and Wise Counties ("Petition"). In support thereof, Aqua Texas would show the following.

I. PURPOSE OF THE PETITION AND DECERTIFICATION CRITERIA

Applicant files this Petition primarily to seek decertification of the portion of its CCN No. 13201 that is or will be located inside the boundaries of Alpha Ranch Fresh Water Supply District and Brookfield Fresh Water Supply District (the "Districts"). Applicant has previously filed an application similar to this one in order for Fort Worth to provide utility service to the Districts.¹ The Property that is subject of this Petition was added to the Districts recently or will be added soon and therefore was not eligible to be included with the filing of the previous petition. Aqua Texas seeks Commission decertification for only the CCN No. 13201 area identified in **Exhibit A** (the "Property"). Pursuant to Texas Water Code § 13.254(a) and 16 TEX. ADMIN. CODE § 24.245(d)(1)(E), "The utility commission at any time after notice and hearing may amend any certificate of public convenience and necessity with the written consent of the certificate holder."²

¹ See PUC Docket 49093

² TWC §13.254(a); 16 TAC§ 24.245(d)(1)(E).

Here, Aqua Texas is providing consent to amend its CCN to remove area under both TWC § 13.254(a) and 16 TAC § 24.245(d). Aqua Texas holds multiple CCN service areas under CCN No. 13201. While Aqua Texas intends to retain other service areas certificated under CCN No. 13201 and its other CCNs, Aqua Texas has agreed to seek removal of its water CCN service area within the Property to permit retail water service by Fort Worth within the Districts' boundaries as may be needed to fulfill landowner development plans without interference with Aqua Texas' CCN.

II. REQUEST FOR DECERTIFICATION

Aqua Texas seeks Commission decertification of CCN No. 13201 for only the Property area identified in **Exhibit A** comprising approximately 1011 total acres. The Property is located north of downtown Fort Worth, Texas and is generally located between Highway 287 and Blue Mound Rd and is contiguous with Highway 114. Aqua Texas, Inc.'s President, Robert L. Laughman, provides factual information in support of this Petition in **Exhibit B**.

Aqua Texas does not actively supply water to any retail customer within the Property, but Aqua Texas would like to retain its water CCN No. 13201 service territory immediately adjacent to the Property where Aqua Texas has active customers along with its other CCN areas. Commission action will allow Aqua Texas and the Districts to continue retail public utility service as adjacent neighbors free from interference with the other's respective service areas.

Aqua Texas clarifies that it is not providing consent in this docket to remove any certificated service area in whole or in part other than the Property area shown in **Exhibit A**. Aqua Texas also notes that the type of relief sought here is distinguishable from CCN amendments authorized elsewhere in the Texas Water Code and Commission rules seeking to add CCN area.³

³ See, e.g., TWC §§13.244 and 13.246; 16 TAC §§ 24.227 and 24.257

Nor does Aqua Texas seek to discontinue, reduce, or impair service to its certified areas or part of its certified area under TWC §13.250(b) and 16 TAC § 24.249 as it plans to remain the provider of “continuous and adequate service” within all its remaining CCN areas. Consequently, no standardized Commission application form applies to this petition and nothing further is specifically required from Applicant to grant the relief requested herein. Finally, Aqua Texas clarifies that Aqua Texas is seeking an amendment to its CCN in exchange for the compensation agreed upon between the Districts and Aqua Texas in a previously executed agreement.

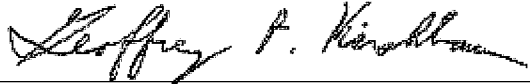
Aqua Texas believes the information included with this Petition, including the mapping information in **Exhibit A** is sufficient for the Commission to grant this request. If more information is required, Aqua Texas respectfully requests that the Commission let Applicant know as soon as possible.

III. CONCLUSION

Aqua Texas respectfully requests the Commission process this Petition and decertify the Property from Applicant’s CCN No. 13201 pursuant to TWC § 13.254(a) and 16 TAC § 24.245(d). If for any reason the Commission finds the information submitted with this Petition is insufficient for application acceptance, Aqua Texas respectfully requests that it be notified immediately and provided an opportunity to cure any deficiencies identified.

Respectfully submitted,

TERRILL & WALDROP

By: 

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ATTORNEYS 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 December 10, 2021, in accordance with the Orders Suspending Rules filed in Project No. 50664.

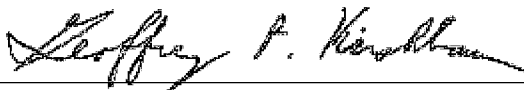
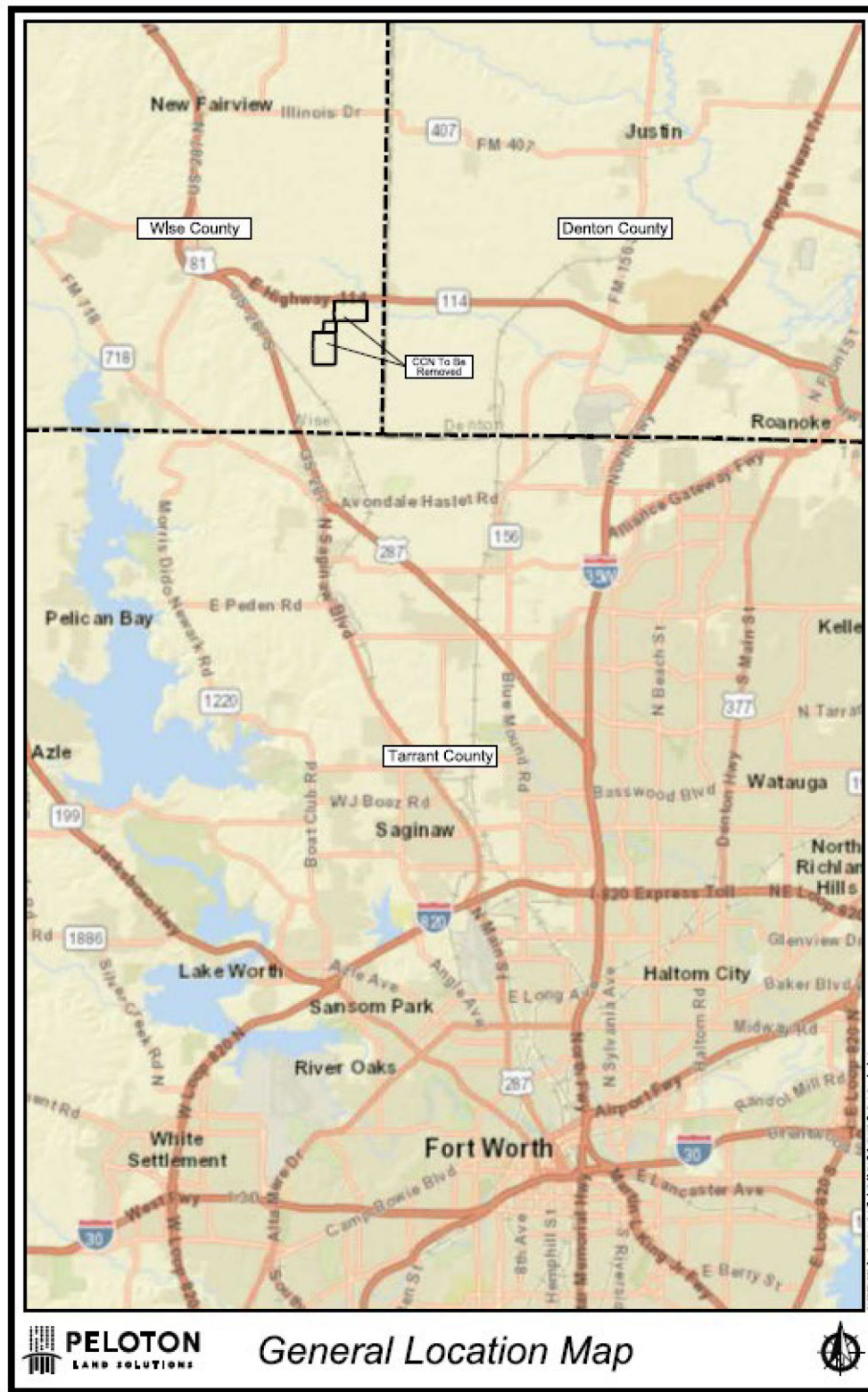
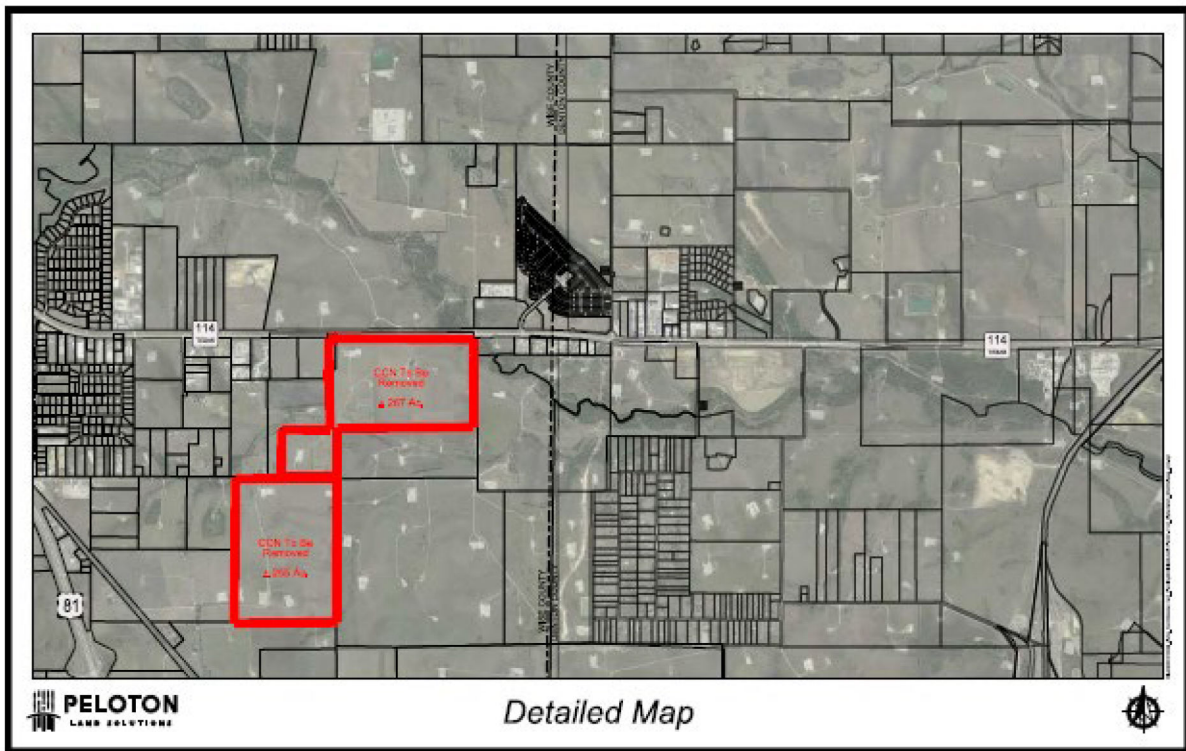
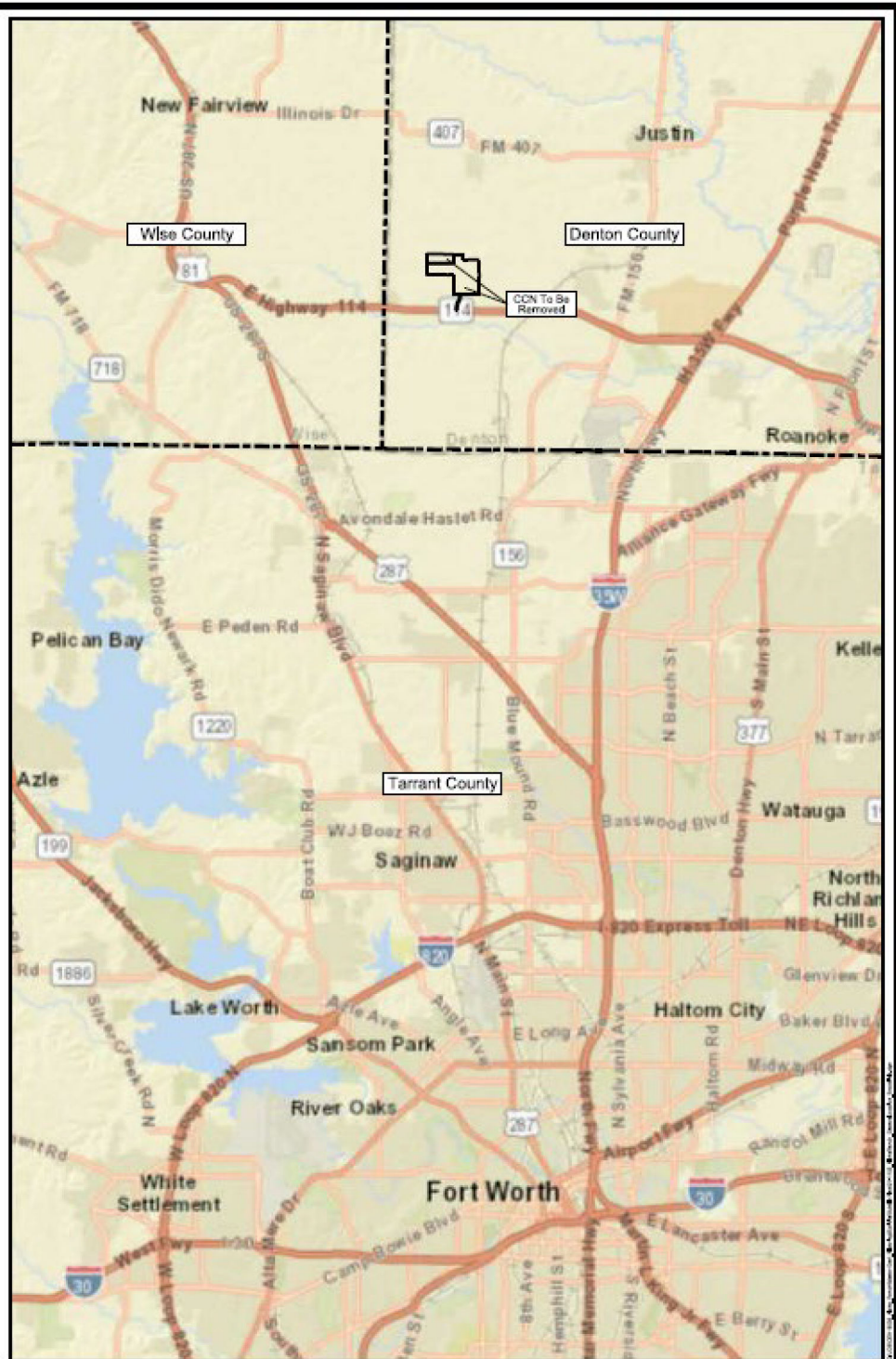
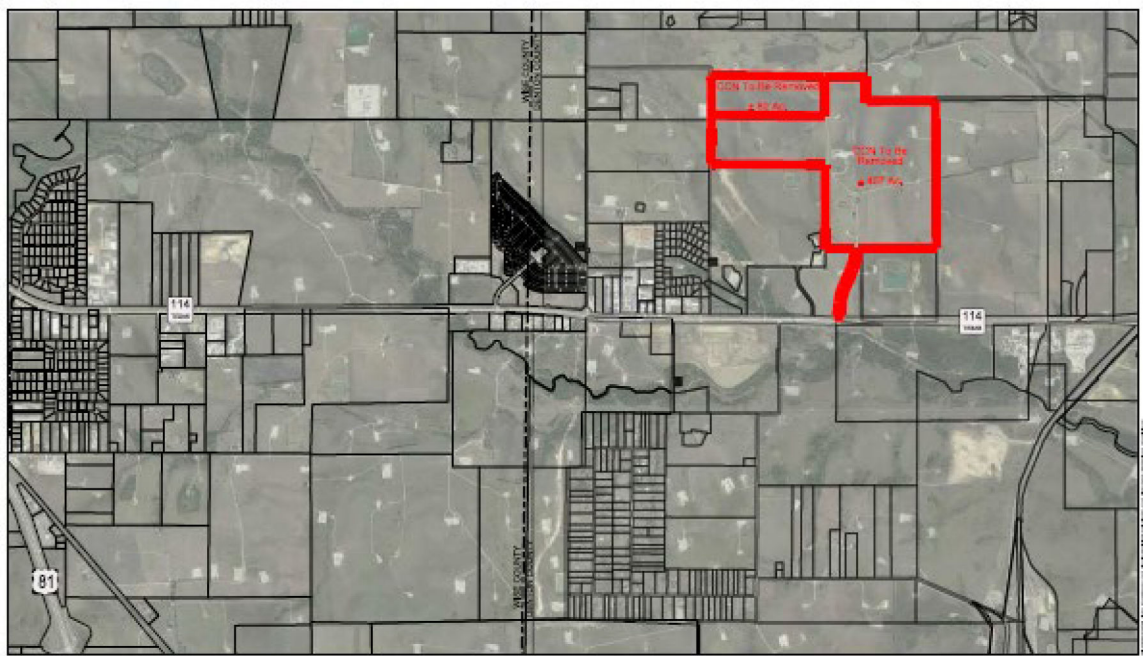

Geoffrey P. Kirshbaum

EXHIBIT A MAPS



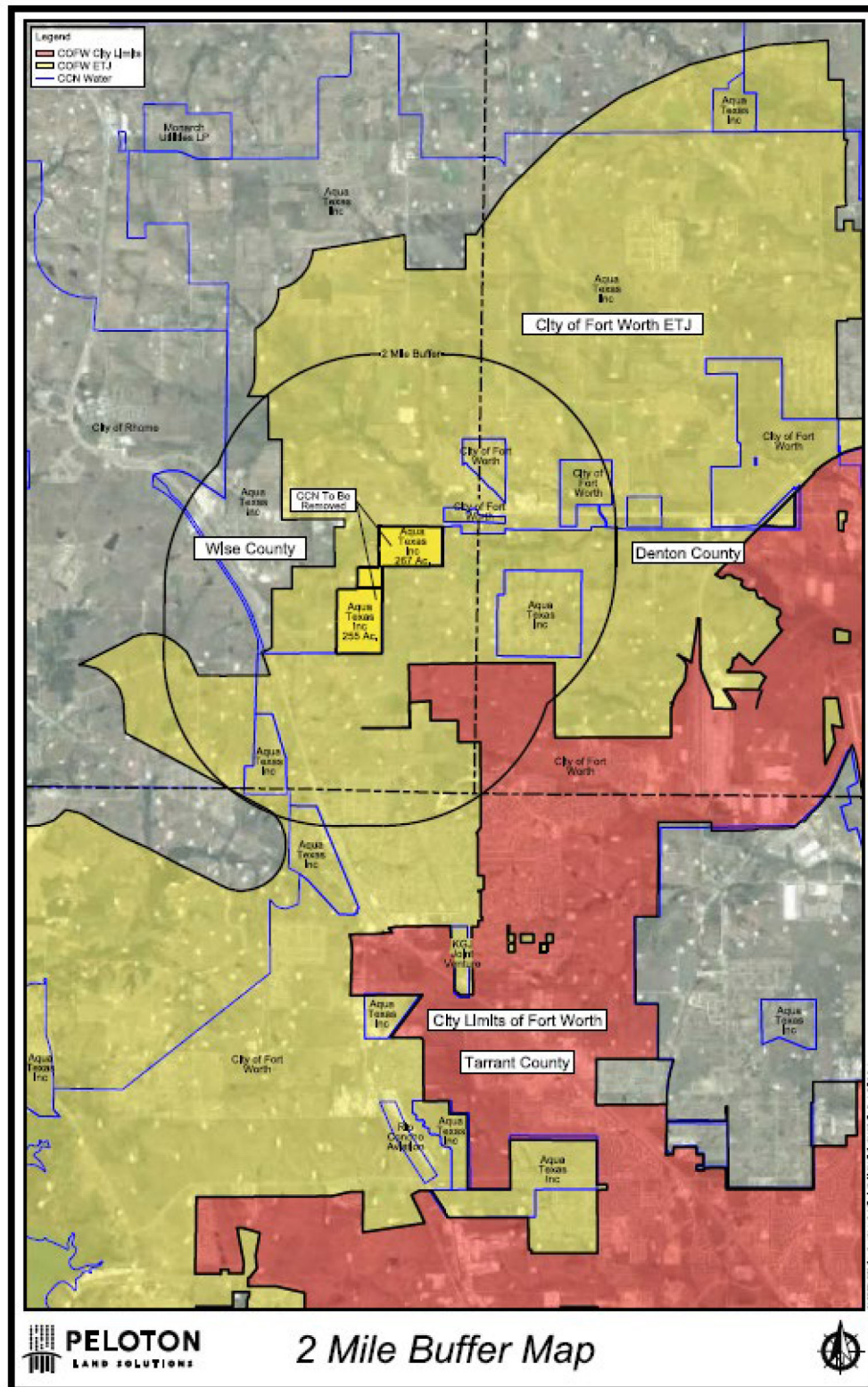






Detailed Map





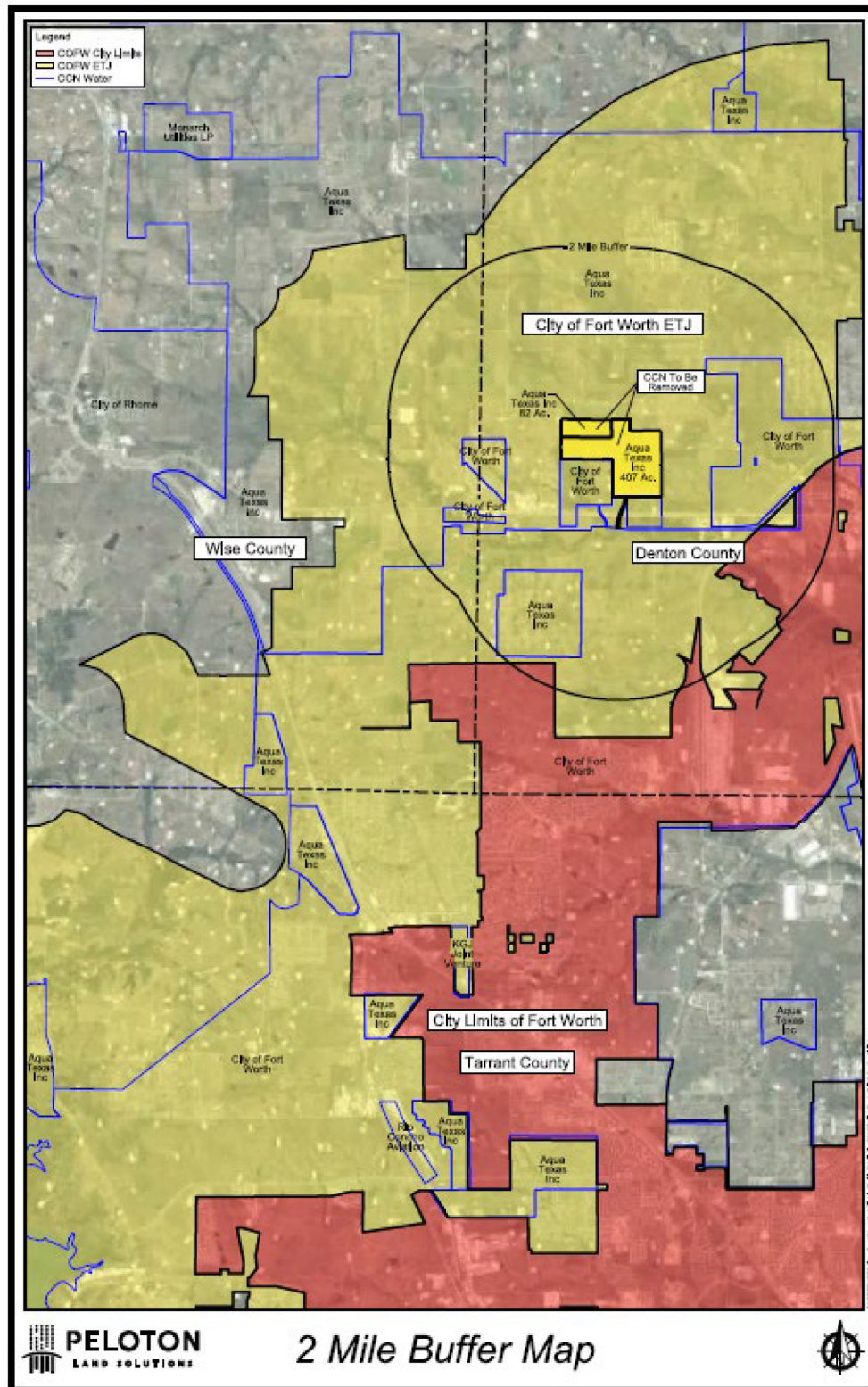


EXHIBIT B

AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Robert L. Laughman, whose identity is known to me. Upon being duly sworn he stated:

1. My name is Robert L. Laughman. I am capable of making this Affidavit. The facts stated in this Affidavit are within my personal knowledge and are true and correct.

2. I am the President of Aqua Texas, Inc. (“Aqua Texas”). A position that I have held since February 2007. As President of Aqua Texas, Inc., I am authorized to sign on its behalf.

3. Aqua Texas owns certificate of convenience and necessity (“CCN”) No. 13201. Aqua Texas is filing a Petition for Partial Decertification of a portion of its water CCN No. 13201 located in Denton and Wise Counties.

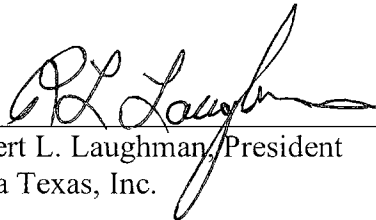
4. Alpha Ranch Fresh Water Supply District and Brookfield Fresh Water Supply District (the “Districts”) overlap with the majority of the portion of CCN No. 13201 for which Aqua Texas seeks decertification. The remaining portions of CCN No. 13201 for which Aqua Texas seeks decertification will ultimately be annexed into the Districts.

5. Aqua Texas does not, nor has it ever, supplied water to customers within the portion of CCN No. 13201 for which it seeks decertification.

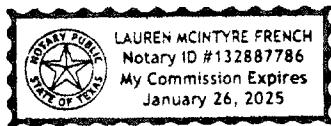
6. Aqua Texas has entered into an agreement with the Districts to seek the decertification requested in exchange for the Districts compensating Aqua Texas for the release

of the portion of CCN No. 13201. If approved, the decertification will allow the Districts to exercise their authority to provide retail public water utility service to the portion of Aqua Texas' CCN No. 13201 requested for decertification as may be needed to fulfill landowner development plans without CCN interference.

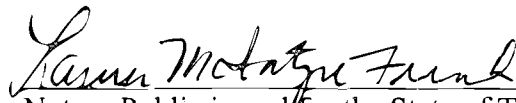
Further affiant sayeth not.


Robert L. Laughman, President
Aqua Texas, Inc.

SWORN TO and SUBSCRIBED before me by Robert L. Laughman on DECEMBER 8th
2021.



(SEAL)


Notary Public in and for the State of Texas

My commission expires: January 26, 2025