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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 RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND PROPOSED PROCEDURAL SCHEDULE**

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 1,011 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 supplement information on December 22, 2021 and December 27, 2021.

On January 10, 2022, the administrative law judge (ALJ) filed Order No. 2 requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the petition and propose a procedural schedule by January 20, 2022. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and, as detailed in the attached memorandum by Patricia Garcia of the Infrastructure Division, recommends that the petition be found administratively incomplete at this time. Staff recommends that Aqua Texas be ordered to cure the deficiencies identified in the attached memorandum from Ms. Garcia by February 18, 2022, and that Staff be given a deadline of March 18, 2022, to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully requests adoption of these proposed deadlines as the noted deficiencies are related to mapping information and Staff’s mapping experts may be required to assist Aqua Texas regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty days to review same.

II. PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of the petition at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation that the petition be found administratively complete.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively incomplete, that Aqua Texas be ordered to file supplemental information to cure the deficiencies in the petition by February 18, 2022, and that Staff be given a deadline of March 18, 2022, to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully requests an order consistent with these recommendations.

Dated: January 20, 2022

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/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 via electronic mail on January 20, 2022, in accordance with the Order Suspending Rules, issued 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: January 18, 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*

On December 13, 2021, Aqua Texas, Inc. (Aqua Texas) filed a petition to decertify a portion of its water Certificate of Convenience and Necessity (CCN) No. 13203 in Denton and Wise Counties under Texas Water Code (TWC) § 13.254(a) and 16 Texas Administrative Code (TAC) § 24.245(d).

Based on the mapping review by Gary Horton, Infrastructure Division, the maps submitted on with Item No. 1 on December 10, 2021, Item No. 3 on December 22, 2021, and Item No. 4 on December 27, 2021 are deficient. Based Mr. Horton's review and my technical and managerial review of the information filed by Aqua Texas, I recommend that the petition be deemed administratively incomplete and not accepted for filing due to the following deficiencies.

Petition Content:

TAC § 24.245(d)(2)(A) states a retail public utility requesting revocation of a portion of their CCN must provide notice and a map of the affected area to customers and landowners inside the affected area at the time the petition is filed with the Commission. Please provide a copy of the notice, map, and signed affidavit indicating to whom notice was provided. If there are no customers or landowners in the affected area provide a signed affidavit indicating this.

Mapping Content:

Aqua must submit the following items to resolve the mapping deficiencies:

- A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
- A detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Digital mapping data for the requested area, as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet); **OR** metes and bounds survey sealed or embossed by either a licensed state surveyor or a registered professional land surveyor.