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JACOB AND JENNIE HILBIG’S	§	PUBLIC UTILITY COMMISSION
APPEAL OF THE COST OF	§	
OBTAINING SERVICE FROM AQUA	§	OF TEXAS
WATER SUPPLY CORPORATION	§	
	§	

**AQUA WATER SUPPLY CORPORATION’S REPLY TO COMMISSION STAFF’S
RESPONSE TO AQUA WATER SUPPLY CORPORATION’S MOTION TO DISMISS**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW, Aqua Water Supply Corporation (“Aqua WSC”) and hereby files this reply to the Staff of the Public Utility Commission of Texas’ (“Commission Staff”) response to Aqua WSC’s motion to dismiss Jacob and Jennie Hilbig’s (“Appellants” or the “Hilbigs”) appeal of the cost to obtain service from Aqua WSC. Pursuant to 16 Texas Administrative Code (“TAC”) § 22.78(a), parties have five working days after receipt of a pleading to file a responsive pleading.¹ Commission Staff filed their response to Aqua WSC’s motion to dismiss on April 19, 2022. Therefore, this pleading is timely filed.

I. REPLY TO COMMISSION STAFF’S RESPONSE

In their response to Aqua WSC’s motion to dismiss, Commission Staff argue that the two requests for water service the Hilbigs submitted to Aqua WSC involve different properties and should therefore be treated as two separate requests for service under 16 TAC § 24.101(g) and TWC § 13.043(g).² Aqua WSC respectfully disagrees. The Hilbigs claim to own a property located at 714 Lee Road in Bastrop, Texas. On May 11, 2021, the Hilbigs and Mr. Dustin Wilhelm jointly submitted a request for feasibility study to Aqua WSC for two residential lots, including

¹ 16 TAC § 22.78(a).

² Commission Staff’s Response to Aqua Water Supply Corporation’s Motion to Dismiss Jacob and Jennie Hilbig’s Appeal of the Cost to Obtain Service at 1-2 (Apr. 19, 2022); 16 TAC § 24.101(g) and TWC § 13.043(g).

the Hilbigs' property located at 714 Lee Road, and Mr. Dustin Wilhelm's property located at 704 Lee Road in Bastrop, Texas.³ On December 8, 2021, the Hilbigs later submitted a water service application to Aqua WSC for their property located at 714 Lee Road and requested a revised preliminary cost summary.⁴ Both the Hilbigs' joint May 11, 2021, request for feasibility study and their December 8, 2021, water service application concern the same property located at 714 Lee Road.⁵ Under TWC § 13.043(g) and 16 TAC § 24.101(g), an appeal of the cost to obtain service "must be initiated within 90 days after written notice is provided to the applicant or member of the decision of an affected county or water supply or sewer service corporation relating to the applicant's initial request for that service".⁶ The Hilbigs' initial request for service for the property in question located at 714 Lee Road was submitted to Aqua WSC on May 11, 2021.⁷ Therefore, Aqua WSC contends that the 90-day deadline established under TWC § 13.043(g) and 16 TAC § 24.101(g) should be calculated from July 8, 2021, the date Aqua WSC responded to the Hilbigs' May 11, 2021, initial request for service for the property in question.⁸

II. CONCLUSION AND PRAYER

Based on the foregoing, Aqua WSC respectfully requests that the Commission dismiss Jacob and Jennie Hilbig's appeal with prejudice and grant all other relief as is necessary and proper to effectuate the requests contained herein.

³ Aqua Water Supply Corporation's Response and Motion to Dismiss Jacob and Jennie Hilbig's Appeal of the Cost to Obtain Service at 1-2 and Exhibit A (Apr. 11, 2022).

⁴ *Id.* at Exhibit D.

⁵ *Id.* at Exhibit A and Exhibit D.

⁶ TWC § 13.043(g) and 16 TAC § 24.101(g).

⁷ Aqua Water Supply Corporation's Response and Motion to Dismiss Jacob and Jennie Hilbig's Appeal of the Cost to Obtain Service at Exhibit A (Apr. 11, 2022).

⁸ *Id.* at Exhibit B.

Respectfully submitted,

/s/ Ty H. Embrey

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**ATTORNEY FOR AQUA WATER
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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 April 26, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Ty H. Embrey

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