



## Filing Receipt

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**DOCKET NO. 53253**

<b>PETITION OF KB HOME LONE STAR,</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>INC. TO AMEND AQUA WATER</b>	<b>§</b>	
<b>SUPPLY CORPORATION'S</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>AND NECESSITY IN TRAVIS COUNTY</b>	<b>§</b>	
<b>BY STREAMLINED EXPEDITED</b>	<b>§</b>	
<b>RELEASE</b>	<b>§</b>	

**COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION**

On February 22, 2022, KB Home Lone Star, Inc. (KB Home) filed a petition for streamlined expedited release from Aqua Water Supply Corporation's (Aqua WSC) water Certificate of Convenience and Necessity (CCN) No. 10294 under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). KB Home asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Travis County, which is a qualifying county.

On August 23, 2022, the administrative law judge (ALJ) filed Order No. 6, establishing a deadline of October 3, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on final disposition. Therefore, this pleading is timely filed.

## **I. FINAL RECOMMENDATION**

Staff has reviewed the petition and, as detailed in the attached memorandum of Chase Lipscomb, Infrastructure Division, recommends that the petition be approved. Specifically, Staff recommends that the petition submitted by KB Home satisfies the requirements of TWC § 13.2541(b) and 16 TAC § 24.245(h). Additionally, Aqua WSC did not file a verified response to the petition to rebut KB Home's attestations that the tract of land is not receiving service. Further, the final water CCN map and certificate are attached to this filing. Staff recommends that the final map and certificate be provided to Aqua WSC and for Aqua WSC to file a certified copy of the CCN map and a boundary description of the CCN service area in the Travis County Clerk's office, as required under TWC § 13.257(r)-(s).

## **II. CONCLUSION**

For the reasons detailed above, Staff respectfully recommends the petition be approved and respectfully requests the entry of an order consistent with the foregoing recommendations.

Dated: October 3, 2022

Respectfully submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Keith Rogas  
Division Director

Sneha Patel  
Managing Attorney

/s/ Scott Miles  
Scott Miles  
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**DOCKET NO. 53253**

**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 October 3, 2022, in accordance with the Order Suspending Rules issued in Project No. 50664.

/s/ Scott Miles

Scott Miles

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Scott Miles and Arnett Caviel, Attorneys  
Legal Division

**FROM:** Chase Lipscomb, Infrastructure Analyst  
Infrastructure Division

**DATE:** October 3, 2022

**RE:** Docket No. 53253 – *Petition of KB Home Lone Star, Inc. to Amend Aqua Water Supply Corporation's Certificate of Convenience and Necessity in Travis County by Streamlined Expedited Release*

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On February 22, 2022, KB Home Lone Star, Inc (KB Home) filed a petition for streamlined expedited release from Aqua Water Supply Corporation's (Aqua WSC) water Certificate of Convenience and Necessity (CCN) No. 10294 in Travis County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). KB Home asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Travis County, which is a qualifying county.

KB Home provided warranty deeds confirming ownership of the tract of land within Aqua WSC's certificated service area. In addition, KB Home submitted a sworn affidavit attesting that the tract of land was not receiving water service from the CCN holder. Aqua WSC submitted an affidavit stating that it has entered discussions with KB Home regarding compensation for the release of the tract of land.

Based on the mapping review by Dave Babicki, Infrastructure Division, it was determined that the landowner's total property is approximately 136.9 acres. The tract of land in the petition for streamlined expedited release is approximately 136.9 acres, of which approximately 136.9 acres overlap Aqua WSC (CCN No. 10294) and would be decertified from CCN No. 10294.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), KB Home has met the Commission's requirements to allow for the release of the tract of land from Aqua WSC's CCN No. 10294. Therefore, I recommend approval of the petition. Enclosed is a final map and certificate for Commission approval.

Additionally, I recommend that a final map and certificate be provided to the CCN holder.



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Aqua Water Supply Corporation**

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 Water Supply Corporation is entitled to this

### **Certificate of Convenience and Necessity No. 10294**

to provide continuous and adequate water utility service to that service area or those service areas in Bastrop, Caldwell, Lee, Travis and Williamson counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 53253 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 Water Supply Corporation 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 Water Supply Corporation  
Portion of Water CCN No. 10294  
PUC Docket No. 53253  
Petition by KB Home Lone Star, LLC to Amend  
Aqua Water Supply Corporation's CCN by Streamlined Expedited Release in Travis County



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

**Water CCN**

-  10294 - Aqua WSC
-  11144 - Manville WSC

-  Decertified Area
-  Tract of Land

0 325 650  
Feet



Map by: Komal Patel  
Date: September 20, 2022  
Project: 53253AquaWSC.mxd