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Received - 2022-04-01 10:23:07 AM
Control Number - 53297
ItemNumber - 5

DOCKET NO. 53297

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
JUSTIN AND AQUA TEXAS, INC.	§	
FOR APPROVAL OF A SERVICE	§	OF TEXAS
AREA CONTRACT UNDER TEXAS	§	
WATER CODE § 13.248 AND TO	§	
AMEND CERTIFICATES OF	§	
CONVENIENCE AND NECESSITY	§	
IN DENTON COUNTY	§	

**COMMISSION STAFF’S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND NOTICE AND PROPOSED PROCEDURAL SCHEDULE**

On March 1, 2022, the City of Justin (Justin) and Aqua Texas, Inc. (Aqua) (collectively, Applicants) filed an application for approval of a service-area contract under Texas Water Code (TWC) § 13.248 and to amend certificates of convenience and necessity in Denton County. Applicants filed supplemental information on March 7, 2022.

On March 3, 2022, the administrative law judge filed Order No. 1, establishing a deadline of April 1, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application and proposed notice and to propose a procedural schedule for the further processing of this docket. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

After review, and as detailed in the attached memorandum of James Harville of the Commission's Infrastructure Division, Staff recommends that the application satisfies the requirements of TWC § 13.248 and 16 Texas Administrative Code (TAC) § 24.253. Therefore, Staff recommends that the application be deemed administratively complete.

II. NOTICE

Staff recommends that notice be deemed sufficient. Under 16 TAC § 24.253(c)(2), if a regulatory authority’s board decides to enter into a contract at a duly posted meeting, then the meeting agenda and minutes of the meeting can serve as notice. The meeting agenda and minutes for the applicable Justin meeting, held on January 25, 2022, were filed on March 1, 2022, as Exhibit B of the application. An affidavit attesting to notice, signed by Chuck Ewings, City Manager of

Justin, was also included. Staff further recommends that individual notice under 16 TAC § 24.253(c)(1) is not required because the service area to be transferred does not contain any existing customers.

III. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for the continued processing of this application:

Event	Date
Deadline for intervention	May 3, 2022
Deadline for Commission Staff to provide final maps, certificates, and tariffs (if applicable) to Applicants	June 2, 2022
Deadline for Applicants to file signed consent forms with the Commission	June 16, 2022
If no hearing is requested, deadline for Staff to file a final recommendation on the application	June 30, 2022
If no hearing is requested, deadline for the parties to file joint proposed findings of fact and conclusions of law	July 14, 2022

IV. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the foregoing recommendation.

Dated: April 1, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ John Harrison
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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 on April 1, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison
John Harrison

Public Utility Commission of Texas

Memorandum

TO: Jenna Keller, Attorney
Legal Division

FROM: James Harville, Infrastructure Analyst
Infrastructure Division

DATE: April 1, 2022

RE: Docket No. 53297 – *Application of the City of Justin and Aqua Texas, Inc. for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Denton County*

On March 1, 2022, City of Justin (Justin) and Aqua Texas, Inc. (Aqua Texas) (collectively, Applicants) filed an application for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend Justin's water Certificate of Convenience and Necessity (CCN) No. 10167 and Aqua Texas' water CCN No. 13201 in Denton County, Texas. The Applicants' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Specifically, Justin and Aqua Texas entered into a contractual agreement which permits Justin to provide water services within the agreed upon water certificated service area. The Applicants will not transfer assets or facilities under the terms of the agreement.

The requested area includes 0 customer connections and 9.7 acres of transferred area from Aqua Texas (CCN No. 13201) to Justin (CCN No. 10167).

The petition proposes the subtraction of approximately 9.7 acres from CCN No. 13201 and the addition of approximately 9.7 acres to CCN No. 10167.

Justin submitted documentation to satisfy the notice requirements under 16 TAC § 24.253(c). Specifically, Justin submitted copies of their meeting minutes approving the agreement and the agenda posted prior to the meeting. Justin provided an affidavit attesting to the date notice was posted and the date that the meeting approving the agreement transpired.

Based on the mapping review by Hank Journeay, Infrastructure Division, the maps submitted with Item 1 and digital data submitted with Item 2 on March 1, 2022, and the metes and bounds survey submitted with Item 4 on March 7, 2022, are sufficient. Based on my technical and managerial review of the information filed by the Applicants, I recommend that the application be deemed administratively complete.