



## Filing Receipt

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**DOCKET NO. 53330**

<b>PETITION OF DENTON OLIVER</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>CREEK, LP TO AMEND AQUA TEXAS,</b>	<b>§</b>	
<b>INC.'S CERTIFICATE OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>DENTON COUNTY BY STREAMLINED</b>	<b>§</b>	
<b>EXPEDITED RELEASE</b>	<b>§</b>	

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS AND NOTICE**

On March 10, 2022, Denton Oliver Creek, LP (Denton Oliver Creek) filed a petition for streamlined expedited release from Aqua Texas Inc.'s (Aqua) sewer Certificate of Convenience and Necessity (CCN) number 21059 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Denton Oliver Creek asserts that the land is at least 25 contiguous acres, is not receiving sewer service, and is located in Denton County, which is a qualifying county. Denton Oliver Creek filed supplemental information on May 2 and 10, 2022.

On April 13, 2022, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of June 10, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on administrative completeness of the petition and sufficiency of notice and propose procedural schedule. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition and supplemental information and, as detailed in the attached memorandum from Pai Liu, Infrastructure Division, recommends that the petition is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

**II. NOTICE SUFFICIENCY**

Under 16 TAC § 24.245(h)(3)(f), a landowner seeking streamlined expedited release must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition to the Commission. Denton Oliver Creek included a certificate of service indicating that it mailed a copy of its petition to the CCN holder,

Aqua, by certified mail on the day the petition was filed with the Commission. Accordingly, Staff recommends that the notice is sufficient.

### III. PROPOSED PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins once the ALJ issues an order finding a petition administratively complete. Staff recommends that the petition be found administratively complete. Therefore, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues that order.

Event	Date
Deadline for Aqua and intervenors to file a response to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a reply to Aqua's response	27 days from the date of the order finding the petition administratively complete
Deadline for Staff's recommendation on final disposition	41 days from the date of the order finding the petition administratively complete
Sixty-day administrative approval of streamlined expedited release	60 days from the date of the order finding the petition administratively complete
<b><i>In the event streamlined expedited release is granted and petitioner and Aqua can select an agreed-upon appraiser</i></b>	
Deadline for petitioner and Aqua to make a filing stating that they have selected an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for appraiser's report	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to Aqua	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Aqua	Within 90 days of the Commission's final order on compensation

<b><i>In the event streamlined expedited release is granted and petitioner and Aqua unable to select an agreed-upon appraiser</i></b>	
Deadline for petitioner and Aqua to make a filing stating that they have been unable to select an agreed-upon appraiser and affirming that they will pay half of the cost of Commission Staff's appraiser <sup>1</sup>	Within 10 days after the Commission approves streamlined expedited release <sup>2</sup>
Deadline for reports from petitioner's appraiser and Aqua's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to Aqua	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to Aqua	Within 90 days of the Commission's final order on compensation

#### **IV. CONCLUSION**

For the reasons detailed above, Staff recommends that the petition be found administratively complete, that the notice be found sufficient, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

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<sup>1</sup> TWC § 13.2541(i).

<sup>2</sup> It is critical for Staff to know as soon as possible after the Commission grants the petition whether Staff needs to secure the services of a third appraiser. If the petitioner and CCN holder are unable to agree and fail to make this filing, Staff may need additional time to file its appraiser's report.

Dated: June 10, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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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 June 10, 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 Kevin Bartz, Attorneys  
Legal Division

**FROM:** Pai Liu, Infrastructure Analyst  
Infrastructure Division

**DATE:** June 10, 2022

**RE:** Docket No. 53330 – *Petition of Denton Oliver Creek, LP to Amend Aqua Texas, Inc.'s Certificate of Convenience and Necessity in Denton County by Streamlined Expedited Release*

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On March 10, 2022, Denton Oliver Creek, LP (Denton Oliver Creek) filed a petition for streamlined expedited release from Aqua Texas, Inc.'s (Aqua) sewer Certificate of Convenience and Necessity (CCN) No. 21059 in Denton County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Denton Oliver Creek asserts that the land is at least 25 contiguous acres, is not receiving sewer service, and is located in Denton County, which is a qualifying county.

Denton Oliver Creek submitted a sworn affidavit attesting that the tract of land was not receiving sewer service from Aqua and a warranty deed confirming ownership of the landowner's total property. Denton Oliver Creek included a statement indicating a copy of the petition was sent via certified mail to Aqua on the date the petition was filed with the Commission.

Based on the mapping review by Hank Journey, Infrastructure Division, the digital data submitted with Item 5 on May 2, 2022 and maps with Item 6 on May 10, 2022 are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within Aqua's water CCN. Hank Journey determined the following:

The landowner's total property is approximately 571 acres. The tract of land in the petition for streamlined expedited release is approximately 571 acres, of which approximately 39.8 acres overlap Aqua Texas Inc. (CCN No. 21059) and would be decertified from CCN No. 21059.

Based on my technical and managerial review and the mapping review by Hank Journey of the information provided by Denton Oliver Creek on May 2, 2022 and May 10, 2022, I recommend the petition be deemed administratively complete and accepted for filing.