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DOCKET NO. 53399

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

COMMISSION STAFF’S FINAL RECOMMENDATION ON THE APPLICATION

On March 25, 2022, the City of Elmendorf (Elmendorf) and Aqua Texas, Inc. (Aqua) (collectively, Petitioners) 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 Bexar County. Petitioners filed supplemental information on April 5, 2022.

On April 27, 2022, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of June 27, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file its final recommendation, if no hearing is requested. Therefore, this pleading is timely filed.

I. FINAL RECOMMENDATION

Staff has reviewed the Applicants' application and, as detailed in the attached memorandum of James Harville, of the Infrastructure Division, recommends that the application be approved. Staff's review indicates that the application meets the statutory requirements of TWC § 13.248. As per Order No. 2, Staff will provide final maps, certificates, and tariffs (if applicable) to applicants by July 11, 2022.

II. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that the application be approved.

Dated: June 27, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

Marisa Lopez Wagley
Managing Attorney

/s/ Andy Aus
Andy Aus
State Bar No. 24077782
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7292
(512) 936-7268 (facsimile)
andy.aus@puc.texas.gov

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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 27, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Andy Aus
Andy Aus

Public Utility Commission of Texas

Memorandum

TO: Andrew Aus, Attorney
Legal Division

FROM: James Harville, Infrastructure Analyst
Infrastructure Division

DATE: June 27, 2022

RE: Docket No. 53399 – *Petition of Aqua Texas, Inc. and the City of Elmendorf for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Bexar County*

On March 25, 2022, Aqua Texas, Inc. (Aqua Texas) and City of Elmendorf (Elmendorf) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend Aqua Texas's sewer Certificate of Convenience and Necessity (CCN) No. 21116 and Elmendorf's sewer CCN No. 21121 in Bexar County, Texas. The Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Based on the mapping review by Dave Babicki, Infrastructure Division:

The requested area includes 0 customer connections and approximately 990 acres of transferred area from Elmendorf (CCN No. 21121) to Aqua Texas (CCN No. 21116).

The petition proposes the subtraction of approximately 990 acres from CCN No. 21121 and the addition of approximately 990 acres to CCN No. 21116.

The petition indicates that the total acreage being requested is approximately 987 acres. Based on the mapping review by Mr. Babicki, it was determined the requested area is approximately 990 acres.

Individual Notice was not required for this petition because there are no affected customers in the area subject to the transfer.

The Petitioners submitted documentation to satisfy the notice requirements under 16 TAC § 24.253(c).

The petition meets all applicable statutory requirements of TWC Chapter 13 and 16 TAC Chapter 24 rules and regulations. Therefore, I recommend approval of the petition.