



## Filing Receipt

**Received - 2022-09-09 09:37:57 AM**  
**Control Number - 53696**  
**ItemNumber - 12**

**DOCKET NO. 53696**

<b>PETITION OF AQUA TEXAS, INC.</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>FOR PARTIAL DECERTIFICATION</b>	<b>§</b>	
<b>OF CERTIFICATES OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>MONTGOMERY COUNTY</b>	<b>§</b>	

**COMMISSION STAFF'S FINAL RECOMENDATION**

On June 7, 2022, Aqua Texas, Inc. (Aqua Texas) filed a petition to decertify a portion of its Certificate of Convenience and Necessity (CCN) Nos. 13203 and 21065 in Montgomery County. Aqua Texas seeks to decertify approximately 45.7 acres of land owned by Chapel Run Land Investment Company, LLC (Chapel Run). Aqua Texas filed supplemental information on June 8 and 20, 2022.

On July 25, 2022, the administrative law judge (ALJ) filed Order No. 4, establishing a deadline for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a final recommendation on the application by September 9, 2022. Therefore, this pleading is timely filed.

**I. STAFF'S RECOMMENDATION**

As detailed in the attached memorandum from James Harville of the Infrastructure Division, Staff has reviewed the application and supplemental information that has been provided and recommends that the application be approved. The certificate and map that Aqua Texas consented to in their consent form filed on September 2, 2022, are attached. The parties will file a joint proposed findings of fact and conclusions of law by September 23, 2022, in accordance with the procedural schedule established by Order No. 4.

**II. CONCLUSION**

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

Dated: September 9, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Keith Rogas  
Division Director

John Harrison  
Interim Managing Attorney

/s/ Ian Groetsch  
Ian Groetsch  
State Bar No. 24078599  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7465  
(512) 936-7268 (facsimile)  
[Ian.Groetsch@puc.texas.gov](mailto:Ian.Groetsch@puc.texas.gov)

**DOCKET NO. 53696**

**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 September 9, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Ian Groetsch  
Ian Groetsch

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Ian Groetsch, Attorney  
Legal Division

**FROM:** James Harville, Infrastructure Analyst  
Infrastructure Division

**DATE:** September 9, 2022

**RE:** Docket No. 53696 – *Petition of Aqua Texas, Inc. for Partial Decertification of Certificates of Convenience and Necessity in Montgomery County*

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### **1. Application**

On June 7, 2022, Aqua Texas, Inc. (Aqua Texas) filed a petition to decertify a portion of its water and sewer Certificate of Convenience and Necessity (CCN) Nos. 13203 and 21065 in Montgomery County, Texas under Texas Water Code (TWC) § 13.254(a) and 16 Texas Administrative Code (TAC) § 24.245(d). The result of the petition will be the subtraction of approximately 45.7 acres from Aqua Texas's water and sewer CCN Nos. 13203 and 21065.

### **2. Notice**

The deadline to intervene was July 22, 2022; a motion to intervene was submitted by the landowner, Chapel Run Land Investment Company (Chapel Run). Chapel Run states that it is in agreement with the decertification request. The motion to intervene was granted in Order No. 2 on June 29, 2022.

### **3. Factors Considered**

Under TWC § 13.250 and 16 TAC § 24.245, the Commission must consider certain factors when decertifying a portion of a water and sewer CCN. Therefore, the following factors were considered.

#### ***3.1. Consideration of whether the Applicant qualifies for decertifying a portion of its water and sewer CCN (16 TAC § 24.245(d)(1)).***

Aqua Texas has never provided water or sewer service to any customers in the requested area. Aqua Texas has not received any requests for water or sewer service in the requested area.

**3.2. *Consideration of the effect of granting the decertification on the current CCN holder, any existing customers, and the landowners in the area (16 TAC § 24.245(d)(2)(C)).***

Aqua Texas will not be required to provide continuous and adequate service to the requested area. Aqua Texas does not own any facilities in the requested area. There are no current customers.

Aqua Texas has agreed to seek removal of its water and sewer CCN service areas within the property to permit retail water and sewer service by the City of Conroe within the tract of land owned by Chapel Run as requested to fulfill landowner development plans without interference.

**3.3. *Consideration of the Applicant's ability to serve continuous and adequate service to all remaining customers within its certificated area (TWC § 13.250(a)).***

Decertification of the requested area will not impact Aqua Texas's ability to serve the remaining customers in its certificated area. The remaining customers are served by separate water and sewer systems outside of the requested area.

**3.4. *Consideration of whether the requested area will be adversely impacted in the present or future (TWC § 13.250(b)).***

Aqua Texas has no customers and owns no facilities in the requested area so the service to the requested area will not be discontinued, reduced, or impaired.

**3.5. *Compensation from a prospective retail public utility (16 TAC § 24.245(d)(2)(F)).***

The provisions of 16 TAC § 24.245(d)(2)(F) makes clear that Aqua Texas is not entitled to compensation from a prospective retail public utility if the request to decertify the requested area is granted.

**4. Recommendation**

Based on the mapping review by Hank Journeay, Infrastructure Division, and my technical and managerial review, I recommend that Aqua Texas meets all of the statutory requirements of TWC Chapter 13 and the Commission's Chapter 24 rules and regulations and is capable of providing continuous and adequate service to its remaining customers. I also recommend that approving this application to decertify a portion of its CCN Nos. 13203 and 21065 is necessary.

Aqua Texas consented to the maps and certificates on September 2, 2022.



# **Public Utility Commission of Texas**

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

**Aqua Texas, Inc.**

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 Texas, Inc. is entitled to this

## **Certificate of Convenience and Necessity No. 13203**

to provide continuous and adequate water utility service to that service area or those service areas in Brazoria, Chambers, Fort Bend, Grimes, Harris, Jefferson, Liberty, Matagorda, Montgomery, Polk, San Jacinto, Trinity, Victoria, and Wharton Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 53696 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 Aqua Texas, Inc. 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.



# **Public Utility Commission of Texas**

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

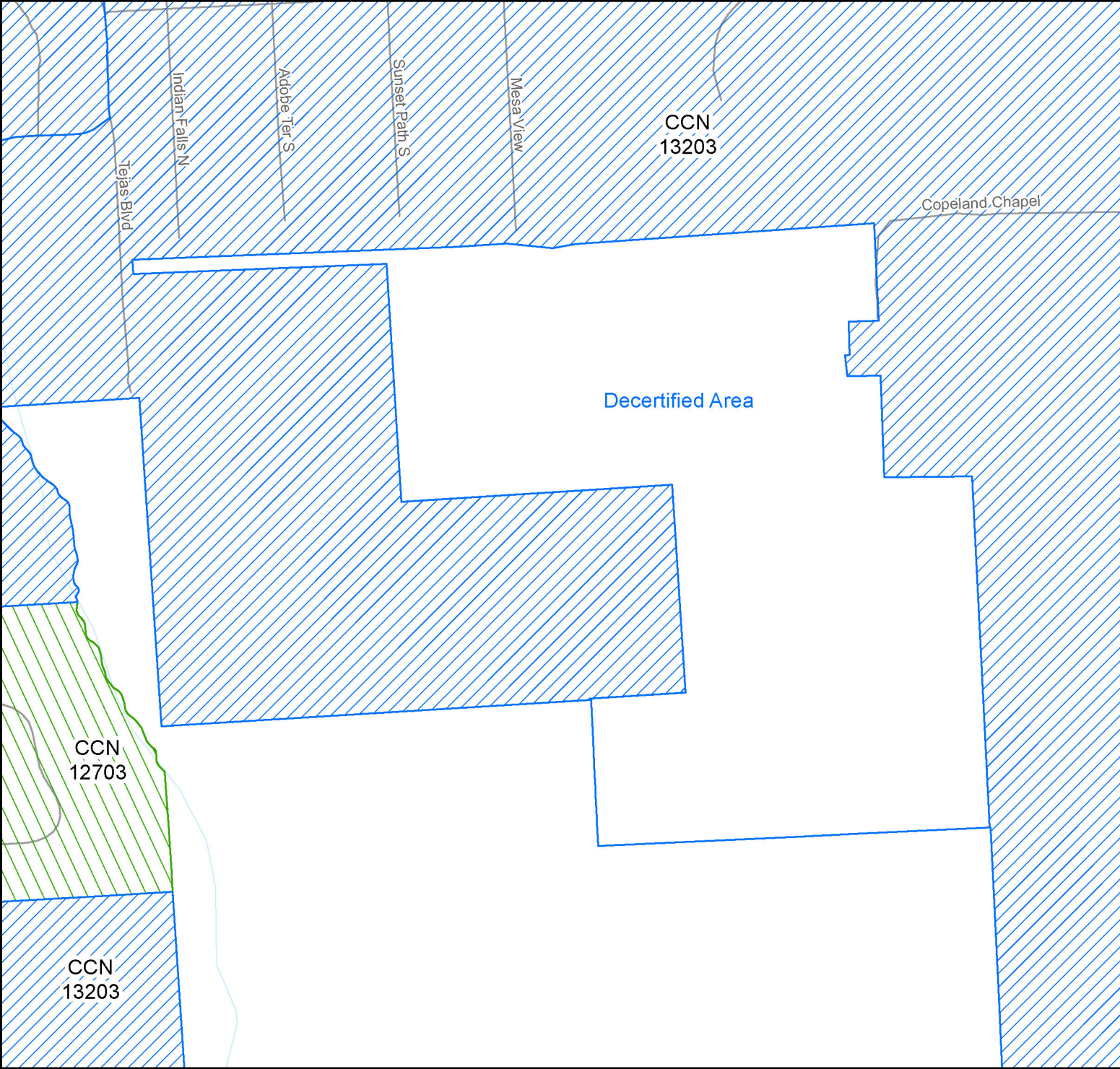
## **Aqua Texas, Inc.**

having obtained certification to provide sewer 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 Texas, Inc. is entitled to this



### **Certificate of Convenience and Necessity No. 21065**

to provide continuous and adequate sewer utility service to that service area or those service areas in Brazoria, Chambers, Fort Bend, Harris, Jefferson, Montgomery, Polk, Trinity, and Victoria Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 53696 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 Aqua Texas, Inc. 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 Texas, Inc.  
Portion of Water CCN No. 13203  
PUC Docket No. 53696  
Amended CCN No. 13203 in Montgomery County



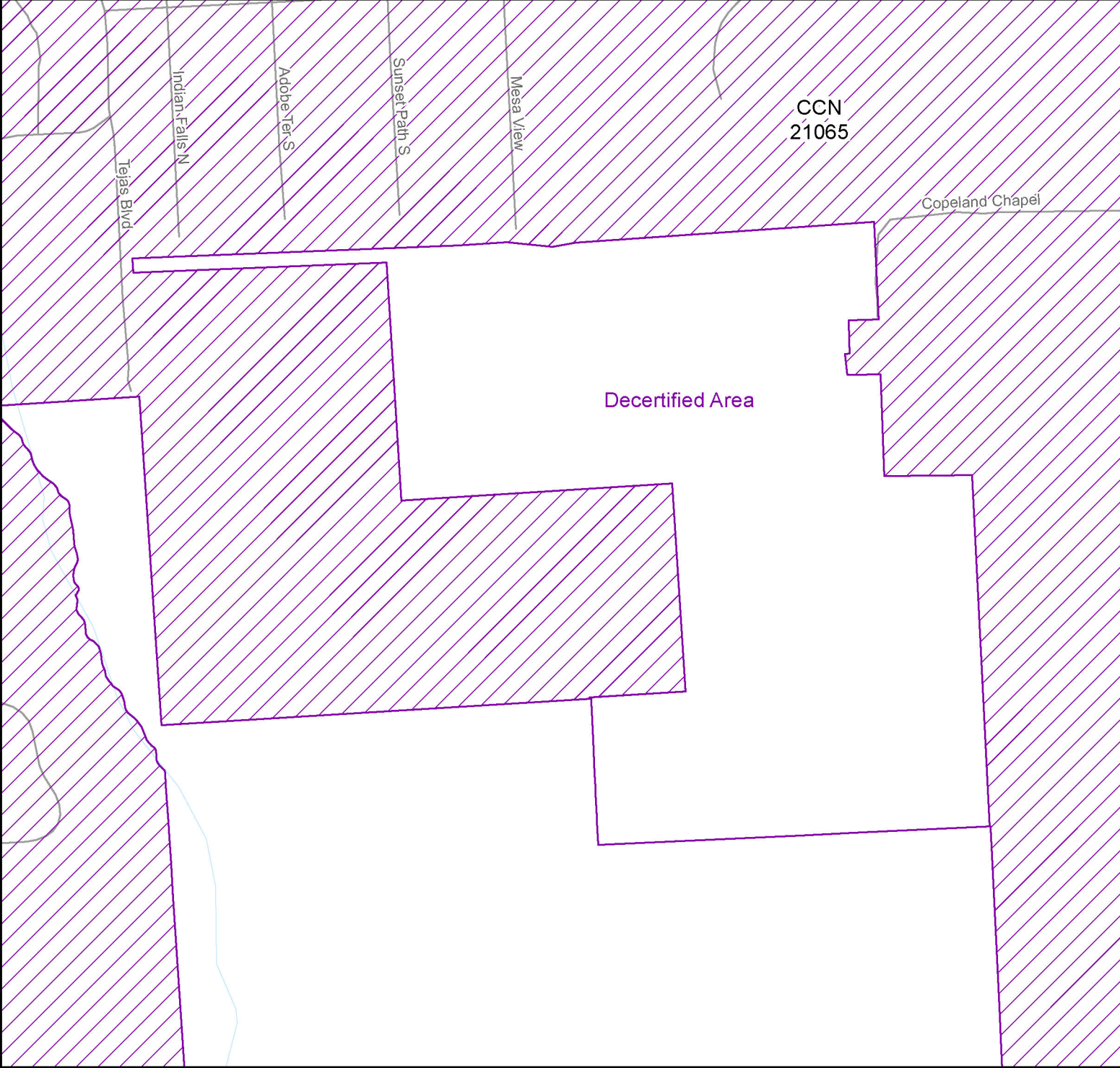
**Water CCN**

-  13203 - Aqua Texas Inc
-  12703 - Lake Bonanza WSC


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Aqua Texas, Inc.  
Portion of Sewer CCN No. 21065  
PUC Docket No. 53696  
Amended CCN No. 21065 in Montgomery County



**Sewer CCN**

 21065 - Aqua Texas Inc

0 200 400  
Feet

