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DOCKET NO. 53696

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

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

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).

On June 8, 2022, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on the administrative completeness of the application along with a proposed procedural schedule, if appropriate by July 8, 2022. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and, as detailed in the attached memorandum by James Harville of the 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. AQUA TEXAS’ WAIVER OF NOTICE

Staff recommends that good cause exists to grant Aqua Texas’ request for waiver of notice in this proceeding. Pursuant to Texas Water Code § 13.301(a)(2), the Commission may waive notice of a petition for good cause shown. In its petition, Aqua Texas states that it has executed an agreement with Chapel Run regarding the land Aqua Texas seeks to decertify.¹ As the sole property owner involved in this transaction, Aqua Texas states that Chapel Run is aware of its petition and

¹ Petition of Aqua Texas, Inc. for Partial Decertification of Certificates of Convenience and Necessity in Montgomery County at 3 (Jun. 7, 2022).

thus seeks a waiver of notice.² Aqua Texas’ statement is substantiated by Chapel Run’s Motion to Intervene filed on June 21, 2022.³ Accordingly, Staff supports Aqua Texas’ request for waiver of notice and recommends that good cause has been shown to proceed

III. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for this proceeding:

Event	Date
Deadline to intervene	July 22, 2022 ⁴
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to Aqua Texas for review and consent	August 5, 2022
Deadline for Aqua Texas to file signed consent forms with the Commission	August 19, 2022
If no hearing is requested, deadline for Staff to file a final recommendation on the Application	August 26, 2022
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	September 9, 2022

IV. CONCLUSION

Staff respectfully requests the entry of an order consistent with the foregoing recommendations.

² *Id.*

³ Chapel Run Land Investment Company LLC’s Motion to Intervene (Jun. 21, 2022).

⁴ Under 16 TAC § 22.104, motions to intervene shall be filed within 45 days from the date an application is filed with the commission. Forty-five days from June 7, 2022, is July 22, 2022.

Dated: July 8, 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 on July 8, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Ian Groetsch
Ian Groetsch

Public Utility Commission of Texas

Memorandum

TO: Ian Groetsch, Attorney
Legal Division

FROM: James Harville, Infrastructure Analyst
Infrastructure Division

DATE: July 8, 2022

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

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).

Based on the mapping review by Hank Journey, Infrastructure Division, the maps submitted with Item 1 on June 7, 2022, and digital data with Item 4 on June 20, 2022, are sufficient.

- The requested area includes 0 customer connections and approximately 45.7 acres of decertified area from Aqua Texas, Inc (CCN Nos. 13203 and 21065).
- The petition proposes the subtraction of approximately 45.7 acres from CCN Nos. 13203 and 21065.

Under 16 TAC § 24.245(d)(2)(A), notice must be provided to each customer and landowner within the affected service area of the utility at the time the request is filed with the Commission. As Chapel Run Land Investment Company, LLC is the sole landowner in the requested area, I am requesting a waiver of 16 TAC § 24.245(d)(2)(A).

Based on my technical and managerial review of the information filed, I recommend that the application be deemed administratively complete.