



Control Number: 54646



Item Number: 15

**Kathleen Jackson**  
Interim Chair  
**Will McAdams**  
Commissioner  
**Lori Cobos**  
Commissioner  
**Jimmy Glotfelty**  
Commissioner



**Greg Abbott**  
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Executive Director  
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PUBLIC UTILITY COMMISSION  
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## *Public Utility Commission of Texas*

**TO:** Interim Chair Kathleen Jackson  
Commissioner Will McAdams  
Commissioner Lori Cobos  
Commissioner Jimmy Glotfelty  
  
All Parties of Record  
  
**FROM:** Stephen Journey, Commission Counsel  
  
**DATE:** 25 July 2023  
  
**RE:** August 3, 2023 Open Meeting – Item No. ##  
Docket No. 54646 – *Petition of DEBLOCK, Ltd. to Amend Aqua Texas Inc.'s Certificate of Convenience and Necessity in Denton County by Streamlined Expedited Release*

A proposed order in the above-referenced docket is posted for consideration and action by the Commission. If the Commission adopts the proposed order, I recommend the following changes.

Conclusions of law 3, 4, 5, 6, 7, 8, 15, and 18 should be modified to reflect the application of the facts of this proceeding to the applicable law. Conclusion of law 10 should be modified for clarity. Conclusions of law should be renumbered accordingly.

3. No opportunity for a hearing on a this petition for streamlined expedited release is provided under TWC §§ 13.254 or 13.2541 and, under 16 TAC § 24.245(h)(7). ~~Therefore,~~ no hearing will be held on the petitioner's petition.
4. ~~This~~ The petitioner's petitions for streamlined expedited release filed under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h) is not a contested cases.
5. ~~Landowners seeking streamlined expedited release~~ The petitioner, under TWC §§ 13.254, 13.2541 and 16 TAC § 24.245(h), ~~are~~ is required to submit a verified petition through a notarized affidavit, and the CCN holder may



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submit a response to the petition that must be verified by a notarized affidavit.

6. Under 16 TAC § 24.245(h)(7), the Commission's decision in this proceeding is based on the information submitted by the ~~landowner~~ petitioner, the CCN holder, and Commission Staff.
7. To obtain streamlined expedited release under TWC § 13.2541(b), a ~~landowner~~ the petitioner must demonstrate that ~~the landowner~~ it owns a tract of land that is at least 25 acres, that the tract of land is located in a qualifying county, and that the tract of land is not receiving service of the type that the current CCN holder is authorized to provide under the applicable CCN.
8. The time that ~~the~~ this petition is was filed is the only relevant time period to consider when evaluating whether a the tract of land is receiving water service under TWC § 13.2541(b). Whether a the tract of land might have previously received water service is irrelevant.
10. The petitioner owns the tract of land ~~that is at least 25 acres~~ for which it seeks streamlined expedited release and the tract of land is at least 25 acres.
15. The Commission may release only the petitioner's the property tract of land of the landowner from CCN number 13201 under TWC § 13.2541(b). The Commission has no authority to decertificate any facilities or equipment owned and operated by the ~~CCN-holder~~ of CCN number 13201 to provide retail water service through the streamlined-expedited-release process under TWC § 13.2541(b).
18. A retail public utility may not, under TWC §§ 13.254(d), provide retail water service to the public within the tract of land unless just and adequate compensation under TWC § 13.254(g) has been paid to the ~~CCN-holder~~ of CCN number 13201.

Additionally, the Commission should delegate to the Office of Policy and Docket Management the authority to modify the order to conform to the Citation and Style Guide for the Public Utility Commission of Texas and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

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