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DOCKET NO. 54646

PETITION OF DEBLOCK, LTD. TO	§	PUBLIC UTILITY COMMISSION
AMEND AQUA TEXAS, INC.'S	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY IN DENTON	§	
COUNTY BY STREAMLINED	§	
EXPEDITED RELEASE	§	

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

On February 13, 2023, DEBLOCK, Ltd. (DEBLOCK) filed a petition for streamlined expedited release from Aqua Texas Inc.'s (Aqua) water Certificate of Convenience and Necessity (CCN) No. 13201, under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). DEBLOCK asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county. DEBLOCK filed supplemental information on March 31, 2023.

On March 14, 2023, the administrative law judge (ALJ) filed Order No. 2, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file supplemental comments on the administrative completeness of the petition and notice by May 12, 2023. 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 Jaspinder Singh, Infrastructure Division, recommends that the supplemented petition is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

II. RECOMMENDATION ON 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. DEBLOCK stated 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 the CCN holder to file a response, verified by a notarized affidavit, to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for DEBLOCK to file a response to CCN holder's response to the administratively complete petition	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
<i>In the event streamlined expedited release is granted and DEBLOCK and CCN holder can select an agreed-upon appraiser</i>	
Deadline for DEBLOCK and the CCN holder 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 DEBLOCK to CCN holder	Within 60 days after appraiser's report
Deadline for DEBLOCK to pay any compensation due to CCN holder	Within 90 days of the Commission's final order on compensation
<i>In the event streamlined expedited release is granted and DEBLOCK and CCN holder unable to select an agreed-upon appraiser</i>	
Deadline for DEBLOCK and the CCN holder to make a filing stating that they have been unable to select an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for reports from DEBLOCK's appraiser and the CCN holder's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission 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 DEBLOCK to the CCN holder	Within 60 days after the Commission receives the final appraisal
Deadline for DEBLOCK to pay any compensation due to the CCN holder	Within 90 days of the Commission's final order on compensation

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the supplemented 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.

Dated: May 12, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Bradley Reynolds
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DOCKET NO. 54646

CERTIFICATE OF SERVICE

I certify that unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on May 12, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Bradley Reynolds
Bradley Reynolds

Public Utility Commission of Texas

Memorandum

TO: Bradley Reynolds, Attorney
Legal Division

FROM: Jaspinder Singh, Engineering Specialist
Infrastructure Division

DATE: May 12, 2023

RE: 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*

On February 13, 2023, DEBLOCK, Ltd. (DEBLOCK) filed a petition for streamlined expedited release from Aqua Texas, Inc.'s (Aqua Texas) water Certificate of Convenience and Necessity (CCN) No. 13201 in Denton County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). DEBLOCK asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

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

Based on the mapping review by Dave Babicki, Infrastructure Division, the revised maps and digital mapping data submitted with Item 5 on March 31, 2023 are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within Aqua Texas's water CCN No. 13201.

The landowner's total property is approximately 63 acres. The tract of land in the petition for streamlined expedited release is approximately 63 acres, of which approximately 59.2 acres overlap Aqua Texas, Inc. (CCN No. 13201) and would be decertified from CCN No. 13201.

Based on my technical and managerial review and the mapping review by Dave Babicki of the additional information provided by DEBLOCK on March 31, 2023, I recommend the petition be deemed administratively complete and accepted for filing.