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DOCKET NO. 55142

PETITION OF CENTURY LAND	§	PUBLIC UTILITY COMMISSION
HOLDINGS II, LLC AND GRBK	§	
EDGEWOOD, LLC TO DECERTIFY A	§	OF TEXAS
PORTION OF AQUA WATER SUPPLY	§	
CORPORATION'S CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
BASTROP COUNTY	§	

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

On June 14, 2023, Century Land Holdings II, LLC and GRBK Edgewood, LLC (jointly, Applicants) filed a petition to decertify a portion of its certificate of convenience and necessity number 10294 in Bastrop County. Applicants filed supplemental information on August 11, August 15, and October 4, 2023.

On October 2, 2023, the administrative law judge (ALJ) filed Order No. 4, requiring Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation regarding the administrative completeness of the petition, along with a proposed procedural schedule, if appropriate, by November 13, 2023. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the supplemented petition and as detailed in the attached memorandum from Chase Lipscomb, 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. NOTICE

At this time, Staff recommends that Applicants proceed with providing public notice to customers and landowners in the requested area as indicated in the attached memorandum using the notice form provided by Mr. Lipscomb. Along with each individual notice, Staff recommends that Applicants provide an accurate map delineating the requested service area.

Once notice has been provided, Staff recommends that Applicants file proof of notice as described in the attached memorandum, including an affidavit specifying the name and address of every person and entity to whom notice was provided, the date that the notice was provided, and a

copy of the map provided with the notice. Finally, Staff recommends that Applicants use the attached notice and affidavit to meet these requirements.

III. PROCEDURAL SCHEDULE

Staff recommends the supplemented petition be found administratively complete. Staff therefore proposes the following procedural schedule:

Event	Date
Deadline for Applicants to file with the Commission signed affidavits that the notice was given along with a copy of the notice and map sent to the affected parties	December 28, 2023
Deadline for Staff to file a recommendation on sufficiency of notice	January 8, 2024
Deadline to intervene	30 days after notice is issued

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively complete, that Applicants be directed to provide notice as described in Mr. Lipscomb's attached memorandum, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: November 13, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ David Berlin
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DOCKET NO. 55142

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 November 13, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ David Berlin
David Berlin

Public Utility Commission of Texas

Memorandum

TO: David Berlin, Attorney
Legal Division

FROM: Chase Lipscomb, Infrastructure Analyst
Infrastructure Division

DATE: November 13, 2023

RE: Docket No. 55142 – *Petition of Century Land Holdings II, LLC and GRBK Edgewood, LLC to Decertify a Portion of Aqua Water Supply Corporation's Certificate of Convenience and Necessity in Bastrop County*

On June 16, 2023, Century Land Holdings II, LLC (Century Land) and GRBK Edgewood, LLC (Edgewood) filed a petition to decertify a portion of Aqua Water Supply Corporation's (Aqua WSC) water Certificate of Convenience and Necessity (CCN) No. 10294 in Bastrop 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 Dave Babicki, Infrastructure Division, the revised maps and digital mapping data submitted with Item 6 on August 15, 2023 are sufficient.

- The requested area includes 29 customers who receive retail water service from Elgin Municipal Utility District No. 2 and approximately 384.1 acres, comprised of decertified area from Aqua WSC (CCN No. 10294).
- The petition proposes the subtraction of approximately 384.1 acres from CCN No. 10294.

The notice requirements under 16 TAC § 24.245(d)(2)(A) requires notice to customers and landowners in the requested area. Therefore, I further recommend that Century Land, Edgewood, and Aqua WSC be ordered to do the following:

- 1) Provide notice of the application by first-class mail to each customer and landowner that is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.
- 2) Provide notice using the attached notice forms.

- 3) Provide a copy of the maps deemed sufficient during administrative review delineating the requested area with each individual notice landowners and customers.
- 4) File in the docket a copy of notice and the maps deemed sufficient during administrative review along with the signed affidavit specifying every person and entity to whom notice was provided, specify whether or not landowners were provided notice, and the date that the notice was provided.

Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to Century Land, Edgewood, and Aqua WSC. Century Land, Edgewood, and Aqua WSC will have 20 days from the receipt of the RFI to respond.

Notice to Landowners and Customers

**NOTICE OF APPLICATION OF CENTURY LAND HOLDINGS II, LLC AND GRBK
EDGEWOOD LLC TO DECERTIFY A PORTION OF AQUA WATER SUPPLY
CORPORATION'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN BASTROP
COUNTY, TEXAS.**

To: _____
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: _____, 20____

(Address)

(City State Zip)

Century land Holdings II, LLC and GRBK Edgewood has filed an application with the Public Utility Commission of Texas to decertify a portion of Aqua Water Supply Corporation's (Aqua WSC) water Certificate of Convenience and Necessity (CCN) No. 10294 in Bastrop County, Texas. Notice content:

The requested area includes 29 customer connections, is located approximately 1 mile(s) southwest of downtown Elgin, Texas, and is generally bounded on the north by the intersection of Dildy Drive and Swenson Boulevard; on the east by Farm to Market 1704; on the south by the intersection of Farm to Market 1704 and Monkey Road; and on the west by Upper Elgin Road.

The requested area includes approximately 384.1 acres, comprised of decertified area from Aqua WSC (CCN No. 10294).

The petition proposes the subtraction of approximately 384.1 acres from CCN No. 10294.

See enclosed maps showing the requested area.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

Si desea información en español, puede llamar al 1-888-782-8477.

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO LANDOWNERS AND CURRENT CUSTOMERS DOCKET NO. 55142

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual
notice via first-class mail to the following landowners and customers:

DATE OF NOTICE

OATH

I, _____, being duly sworn, file this form as
_____ (indicate relationship to applicant, that is,
owner, member of partnership, title of officer of corporation, or other authorized representative of
applicant); that in such capacity, I am qualified and authorized to file and verify such form, am
personally familiar with the notices given with this application, and have complied with all notice
requirements in the application and application acceptance letter; and that all such statements made
and matters set forth therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant,
or its attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____