



## **Filing Receipt**

**Filing Date - 2024-03-08 08:16:39 AM**

**Control Number - 55142**

**Item Number - 22**

**DOCKET NO. 55142**

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

**JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL**

On June 14, 2023, Century Land Holdings II, LLC (“*Century*”) and GRBK Edgewood, LLC (“*GRBK*”) (collectively, the “*Petitioners*”) filed a petition to decertify certain real property from Aqua Water Supply Corporation’s (“*Aqua*”) certificate of convenience and necessity (CCN) No. 10294 in Bastrop County.

On January 9, 2024, the administrative law judge filed Order No.6, requiring the Staff (“*Staff*”) of the Public Utility Commission of Texas and the Petitioners (collectively, the “*Parties*”) to file joint proposed findings of fact and conclusions of law by March 8, 2024.

**I. JOINT MOTION TO ADMIT EVIDENCE**

The Parties request the entry of the following into the record of this proceeding:

1. The petition, filed on June 14, 2023 (Interchange Item No. 1);
2. Commission Staff’s Recommendation on Administrative Completeness and Proposed Notice, filed on July 14, 2023 (Interchange Item No. 3);
3. Petitioners’ Response to Order No. 2, filed on August 11, 2023 (Interchange Item No. 5);
4. Petitioners’ Supplemental Response to Order No. 2, including revised maps and digital mapping data filed on August 15, 2023 (Interchange Item No. 6);
5. Commission Staff’s Supplemental Recommendation on Administrative Completeness and Proposed Notice, filed on September 13, 2023 (Interchange Item No. 7);
6. Commission Staff’s First Clarification, filed on September 28, 2023 (Interchange Item No. 9);
7. Petitioners’ Response to Order No. 4, filed on October 2, 2023 (Interchange Item No. 11);

8. Commission Staff's Supplemental Recommendation on Administrative Completeness and Notice and Proposed Procedural Schedule, filed on November 13, 2023 (Interchange Item No. 12);
9. Petitioners' Affidavit of Notice to Landowners and Current Customers, filed on December 11, 2023 (Interchange Item No. 14);
10. Petitioners' signed Consent Forms in Response to Order No. 6, filed on February 5, 2024 (Interchange Item No. 17);
11. Aqua Water Supply Corporation's signed Consent Form, filed on February 7, 2024 (Interchange Item No. 19);
12. Commission Staff's Amended Final Recommendation, filed on February 28, 2024 (Interchange Item No. 21); and
13. The joint motion to admit evidence and attached Proposed Notice of Approval, final map, and certificates, filed on \_\_\_\_\_, 2024 (Interchange Item No. \_\_\_\_).

## **II. PROPOSED NOTICE OF APPROVAL**

The Parties move for adoption of the attached Proposed Notice of Approval, which would decertify (remove) approximately 384.1 acres of real property from Aqua Water Supply Corporation's water CCN No. 10294. The Parties request that the Commission adopt the findings of fact, conclusions of law, and ordering paragraphs included in the Proposed Notice of Approval.

## **III. CONCLUSION**

The Parties respectfully request that the Commission grant their Joint Motion to Admit Evidence and adopt the attached Proposed Notice of Approval.

Respectfully submitted,

**MCLEAN & HOWARD, LLP**

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and

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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 March 8, 2024, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ David Berlin  
David Berlin

**DOCKET NO. 55142**

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<b>EDGEWOOD, LLC TO DECERTIFY A</b>	<b>§</b>	<b>OF TEXAS</b>
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<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>BASTROP COUNTY</b>	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the application of Century Land Holdings II, LLC (“*Century*”) and GRBK Edgewood LLC (“*GRBK*”) for decertification of real property in Bastrop County from Aqua Water Supply Corporation’s (Aqua) water Certificate of Convenience and Necessity No. 10294 under Texas Water Code (TWC) §13.254. The Petitioners seek to decertify approximately 384.1 acres of certificated service area from Aqua Water Supply Corporation’s CCN number 10294. The Commission approves the decertification of the property and amends CCN number 10294 to the extent provided in this Notice of Approval.

**I. Findings of Fact**

The Commission makes the following findings of fact:

**Petitioners**

1. Century is a Colorado limited liability company.
2. GRBK is a Texas limited liability company.
3. Aqua Water Supply Corporation is a nonprofit water supply corporation operating under Chapter 65 of the Texas Water Code.
4. Aqua Water Supply Corporation operates, maintains, and controls facilities for providing retail water service in multiple counties, including Bastrop County, under CCN number 10294.
5. Century, GRBK and Aqua entered into a Wholesale Service Agreement dated May 12, 2023 setting forth the terms and conditions pursuant to which Aqua agreed to provide wholesale water service for the approximate 384.1 acres of real property that is the subject

of this Docket (the “*Property*”).

6. Under the Wholesale Service Agreement, Aqua consented to decertification of the Property from CCN No. 10294.

#### **Petition**

7. On June 14, 2023, Century and GRBK filed a petition for decertification of the Property from CCN number 10294.
8. On August 11, 2023, and August 15, 2023, Petitioners filed supplements to the petition.
9. The petition included a copy of the Wholesale Service Agreement executed by Aqua, Century and GRBK.
10. The Property that is the subject of the Petition is the same Property for which Aqua granted its consent to decertification from CCN No. 10293 under the Wholesale Service Agreement.
11. In Order No. 4, filed on October 7, 2023, the administrative law judge (ALJ) found the petition, as supplemented, administratively complete.

#### **Notice**

12. On December 11, 2023, Century mailed individual notice of the petition by certified mail to 57 customers and property owners located in the Property.
13. In Order No. 6, filed on January 9, 2024, the ALJ found the notice sufficient.

#### **Maps and Certificates**

14. On February 5, 2024, Petitioners filed their consent to the proposed amended map for CCN No. 10294.
15. On \_\_\_\_\_, 2024, the proposed map and certificates were filed as attachments to the parties’ joint motion to admit evidence and proposed notice of approval.

#### **Evidentiary Record**

24. In Order No. \_\_ filed on \_\_\_\_\_, 2024, the ALJ admitted the following evidence into the record of this proceeding:
  - (a) the petition, filed on June 14, 2023;
  - (b) Commission Staff’s Recommendation on Administrative Completeness and Proposed Notice, filed on July 14, 2023;

- (c) Petitioners' Response to Order No. 2, filed on August 11, 2023;
- (d) Petitioners' Supplemental Response to Order No. 2, including revised maps and digital mapping data filed on August 15, 2023;
- (e) Commission Staff's Supplemental Recommendation on Administrative Completeness and Proposed Notice, filed on September 13, 2023;
- (f) Commission Staff's First Clarification, filed on September 28, 2023;
- (g) Petitioners' Response to Order No. 4, filed on October 2, 2023;
- (h) Commission Staff's Supplemental Recommendation on Administrative Completeness and Notice and Proposed Procedural Schedule, filed on November 13, 2023;
- (i) Petitioners' Affidavit of Notice to Landowners and Current Customers, filed on December 11, 2023;
- (j) Commission Staff's Recommendation on Notice and Proposed Procedural Schedule, filed on January 8, 2024;
- (k) Petitioners' signed Consent Forms in Response to Order No. 6, filed on February 5, 2024;
- (l) Aqua Water Supply Corporation's signed Consent Form, filed on February 7, 2024;
- (m) Commission Staff's Amended Final Recommendation, filed on February 28, 2024; and
- (n) The joint motion to admit evidence and attached Proposed Notice of Approval, final map, and certificates, filed on \_\_\_\_\_, 2024.

### **Informal Disposition**

- 25. More than 15 days have passed since the completion of the notice provided in this docket.
- 26. No person filed a protest or motion to intervene.
- 27. Century, GRBK, and Commission Staff are the only parties to this proceeding.
- 28. No party requested a hearing, and no hearing is needed.
- 29. Commission Staff recommends approval of the application.
- 30. This decision is not adverse to any party.

## **II. Conclusions of Law**

1. The Commission has jurisdiction over the application under TWC §§ 13.041 and 13.254.
2. Section 13.254(a) of the Texas Water Code provides that the Commission at any time after notice and hearing may revoke or amend any certificate of public convenience and necessity with the written consent of the certificate holder.
3. 16 Texas Admin. Code Section 24.245(d)(1)(E) provides that at any time after notice and opportunity for hearing, the Commission may revoke any CCN or amend any CCN by decertifying a portion of the certificated service area if the Commission finds that the current CCN holder has consented in writing to the revocation or amendment.
4. The petition meets the requirements of TWC § 13.254 and 16 TAC § 24.245(d)(1)(E).
5. Notice of the application was properly given.
6. The petition was processed in accordance with the TWC, the Administrative Procedure Act,<sup>1</sup> and Commission rules.
7. Under TWC § 13.257(r) and (s), Aqua must record a certified copy of its approved map and certificates, along with a boundary description of its service areas, in the real property records of Bastrop County within 31 days of this Notice of Approval and must submit evidence of the recording to the Commission.
8. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

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<sup>1</sup> Tex. Gov't Code §§ 2001.001-.903.



### **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission approves decertification of the Property from CCN No. 10294 to the extent provided in this Notice of Approval.
2. The Commission amends Aqua's CCN number 10294 as described in this Notice of Approval and as shown on the map attached to this Notice of Approval.
3. The Commission approves the map attached to this Notice of Approval.
4. The Commission issues the certificate attached to this Notice of Approval.
5. Aqua must provide service to every customer and qualified applicant for service within the approved certificated service area under CCN number 10294 who requests water service and meets the terms of Aqua's water service policies, and such service must be continuous and adequate.
6. Aqua must comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Bastrop County affected by the petition and file in this docket proof of the recording no later than 45 days after the date of this Notice of Approval.
7. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted herein.

Signed at Austin, Texas the \_\_\_\_\_ day of \_\_\_\_\_,  
2024.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**ISAAC TA  
ADMINISTRATIVE LAW JUDGE**