



## **Filing Receipt**

**Filing Date - 2024-04-02 09:32:50 AM**

**Control Number - 55142**

**Item Number - 24**

**DOCKET NO. 55142**

<b>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</b>	<b>§ § § § § § §</b>	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**NOTICE OF APPROVAL**

This Notice of Approval addresses the 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 (CCN) number 10294 in Bastrop County. The Commission amends Aqua WSC's CCN number 10294 to decertify the requested area.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Petitioners and CCN Holder**

1. Century is a Colorado limited liability company registered with the Texas secretary of state under filing number 801847348.
2. GRBK is a Texas limited liability company registered with the Texas secretary of state under filing number 802442152.
3. Aqua WSC is a nonprofit water supply corporation registered with the Texas secretary of state under filing number 25894701 operating under chapters 49 and 54 of the Texas Water Code.
4. Aqua WSC operates, maintains, and controls facilities for providing retail water service in multiple counties, including Bastrop County, under CCN number 10294.

**Petition**

5. On May 12, 2023, Century, GRBK, and Aqua WSC entered into a wholesale service agreement in which Aqua WSC agreed to decertification of the approximately 384.1 acres at issue in this proceeding.

6. On June 14, 2023, Century and GRBK filed the petition at issue in this proceeding seeking to decertify a portion of Aqua WSC's certificated service area under CCN number 10294.
7. On August 11 and 15 and October 4, 2023, the petitioners filed supplements to the petition.
8. The requested area is approximately one mile 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 Road 1704, on the south by the intersection of Farm-to-Market Road 1704 and Monkey Road, and on the west by Upper Elgin Road.
9. The requested area is approximately 384.1 acres and includes no customers of Aqua WSC.
10. In Order No. 5 filed on November 13, 2023, the administrative law judge (ALJ) found the petition, as supplemented, administratively complete.

**Notice**

11. On December 11, 2023, the petitioners filed the following:
  - a. the affidavit of Anthony Corbett, the petitioners' authorized representative, attesting that notice of the petition was provided to landowners and current customers on December 11, 2023;
  - b. a list of the individuals to whom notice was provided; and
  - c. copies of the notices and maps provided.
12. In Order No. 6 filed on January 9, 2024, the ALJ found notice sufficient.

**Evidentiary Record**

13. On April 2, 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 filed on August 15, 2023;

- e. Commission Staff's supplemental recommendation on administrative completeness 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. Petitioners' signed consent forms in response to Order No. 6 filed on February 5, 2024;
- k. Aqua WSC's signed consent form filed on February 7, 2024; and
- l. Commission Staff's amended final recommendation, and attachments, filed on February 28, 2024.

**Circumstances of Decertification**

14. The petition was filed in accordance with the wholesale service agreement between Aqua WSC, Century, and GRBK.
15. Aqua WSC has never provided water service to any customers in the requested area.
16. Aqua WSC does not own any facilities in the requested area.
17. Aqua WSC has not received any requests for water service from landowners in the requested area.
18. Aqua WSC consented in writing to decertification of the requested area.

**Effect on Customers and Landowners in the Requested Area**

19. Aqua WSC does not serve any customers or own any facilities in the requested area.
20. The requested area includes 29 landowners who are customers of and receive retail water service from Elgin Municipal Utility District No. 2. There will be no change in service to these customers.

21. After decertification, Aqua WSC will not be obligated to provide continuous and adequate service to the requested area.
22. Aqua WSC provides and will continue to provide wholesale water service to Elgin MUD No. 2.
23. All landowners in the requested area were provided notice of the decertification.
24. There will be no adverse impact on customers and landowners in the requested area.

**Continuous and Adequate Service to Customers and Landowners**

25. Decertification of the requested area will not impact Aqua WSC's ability to serve its customers in its remaining certificated areas under CCN number 10294.

**Adverse Impact on the Requested Area in the Present or Future**

26. Landowners in the requested area can request water service from Elgin MUD No. 2.
27. Aqua WSC provides and will continue to provide wholesale water service to Elgin MUD No. 2.
28. Decertification will have no adverse effect on the requested area in the present or future.

**Compensation from a Prospective Retail Public Utility**

29. Aqua WSC consented to the requested decertification; therefore, Aqua WSC is not entitled to compensation from a prospective retail public utility.

**Maps and Certificates**

30. On January 30, 2024, Commission Staff emailed the proposed final map and certificate to the petitioners and Aqua WSC.
31. On February 5, 2024, the petitioners filed their consent to the proposed final map.
32. On February 7, 2024, Aqua WSC filed its consent to the proposed final map and certificate.
33. On February 28, 2024, the map and certificate were filed as attachments to Commission Staff's amended final recommendation.

**Informal Disposition**

34. More than 15 days have passed since the completion of the notice provided in this docket.
35. No person filed a protest or motion to intervene.

36. Century, GRBK, and Commission Staff are the only parties to this proceeding.
37. No party requested a hearing, and no hearing is needed.
38. Commission Staff recommends approval of the application.
39. This decision is not adverse to any party.

## **II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. The Commission has authority over this proceeding under Texas Water Code (TWC) §§ 13.041, 13.244, 13.246, 13.250, and 13.254.
2. Aqua WSC is a retail public utility as defined by TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(31).
3. Notice of the petition was provided in compliance with TWC § 13.254 and 16 TAC § 24.245(d).
4. The petition, as supplemented, meets the requirements of TWC § 13.254.
5. The petition was processed in accordance with the TWC, the Administrative Procedure Act,<sup>1</sup> and Commission rules.
6. The petitioners met the requirements of TWC § 13.254 and 16 TAC § 24.245 for decertification of the requested area.
7. Aqua WSC consented to decertification of the requested area in writing in accordance with TWC § 13.254(a) and 16 TAC § 24.245(d)(1)(E).
8. Under TWC § 13.254(h), after decertification of the requested area, Aqua WSC has no obligation to provide retail water service to the requested area.
9. Under TWC § 13.257(r) and (s), Aqua WSC 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.

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

10. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

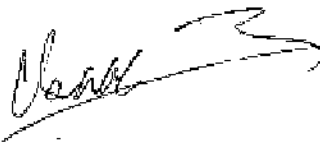
### III. Ordering Paragraphs

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

1. The Commission amends Aqua WSC's CCN number 10294 by decertifying the requested area, as shown on the attached map.
2. The Commission approves the map attached to this Notice of Approval.
3. The Commission issues the certificate attached to this Notice of Approval.
4. The petitioners must provide a copy of this Notice of Approval to Aqua WSC within ten days after the date of this Notice of Approval.
5. Aqua WSC must provide service to every customer and applicant for service within the approved area under CCN number 10294 who requests water service and meets the terms of Aqua WSC's water service policies, and such service must be continuous and adequate.
6. Aqua WSC 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 that have not been expressly granted.

**Signed at Austin, Texas on the 2nd day of April 2024.**

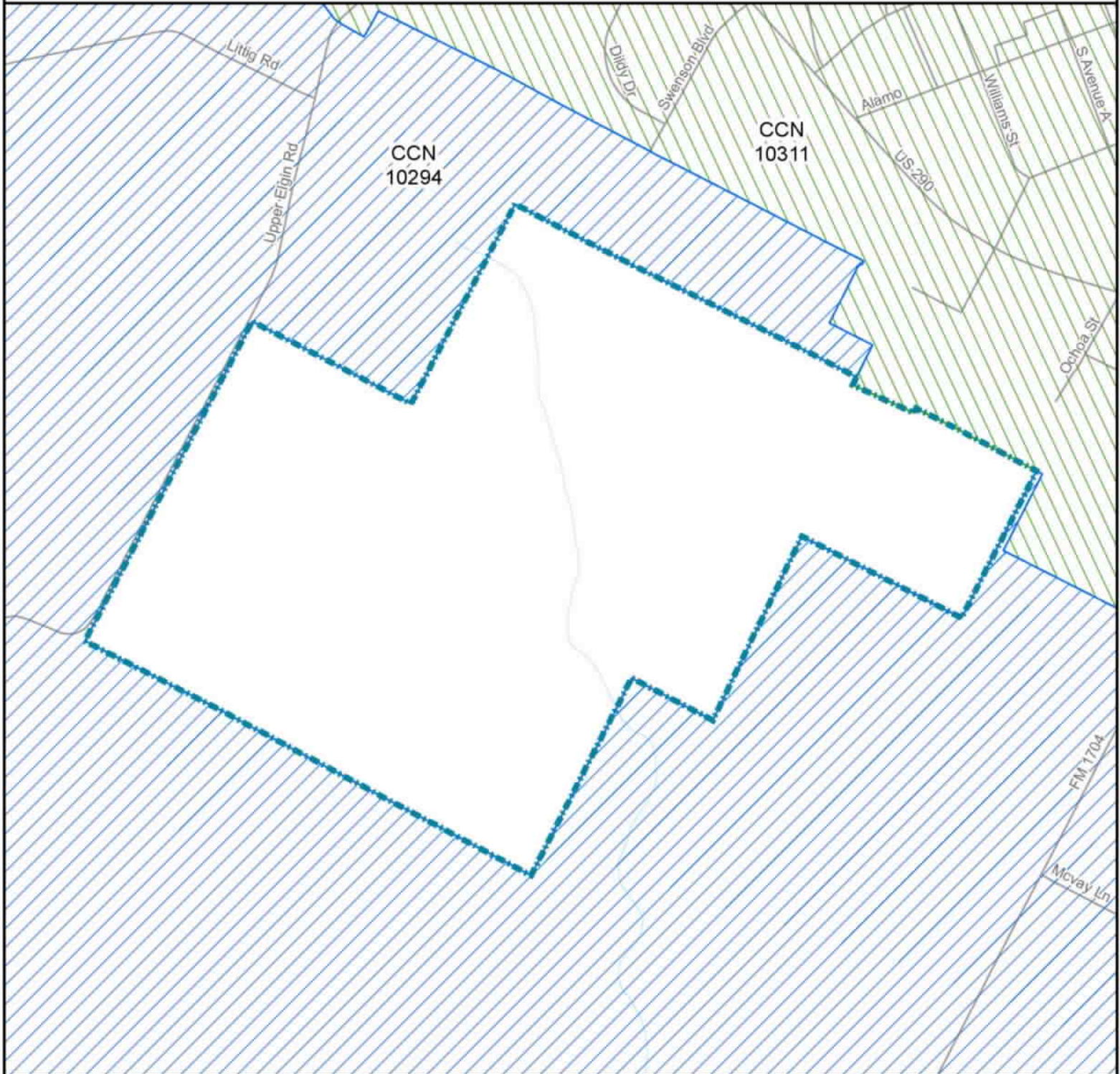
**PUBLIC UTILITY COMMISSION OF TEXAS**



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**ISAAC TA  
ADMINISTRATIVE LAW JUDGE**


PUCT Docket No. 55142  
Aqua WSC  
Portion of Water CCN No. 10294  
13.254 Petition to Decertify a Portion of Aqua WSC's CCN in Bastrop County



Public Utility Commission of Texas  
1701 N. Congress Ave  
Austin, TX 78701

**Water CCN**

-  10294 - Aqua WSC
-  10311 - City of Elgin

 Portion to Decertify

0 500 1,000  
Feet



Map by: Komal Patel  
Date: January 24, 2024  
Project: 55142AquaWSC.mxd





# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Aqua Water Supply Corporation**

having obtained certification to provide water utility service for the convenience and necessity of the public, and it is having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Aqua Water Supply Corporation is entitled to this

### **Certificate of Convenience and Necessity No. 10294**

to provide continuous and adequate water utility service to that service area or those service areas in Bastrop, Caldwell, Fayette, Lee, Travis and Williamson counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 55142 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Aqua Water Supply Corporation to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.