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DOCKET NO. 55366

APPLICATION OF AQUA WATER	§	PUBLIC UTILITY COMMISSION
SUPPLY CORPORATION TO	§	
DECERTIFY A PORTION OF ITS	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN BASTROP	§	
COUNTY	§	

**JOINT MOTION TO ADMIT EVIDENCE, PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDERING PARAGRAPHS**

On August 15, 2023, Aqua Water Supply Corporation (Aqua WSC) filed an application to decertify a portion of its sewer Certificate of Convenience and Necessity (CCN) No. 20962 in Bastrop County under Texas Water Code (TWC) § 13.254(a) and 16 Texas Administrative Code (TAC) § 24.245(d). Aqua WSC filed supplemental information on October 26, 2023, November 8, 2023, December 5, 2024, and February 26, 2024.

On February 2, 2024, the administrative law judge (ALJ) filed Order No. 6, requiring Staff (Staff) of the Public Utility Commission of Texas (Commission) to respond to Staff's recommendation and request a hearing, and if no hearing is requested, then the parties must file a joint motion to admit evidence, along with proposed findings of fact, conclusions of law, and ordering paragraphs by April 3, 2024.

I. MOTION TO ADMIT EVIDENCE

The parties move to admit the following items into the record of this proceeding:

- Aqua WSC's application and all attachments filed on August 15, 2023 (Interchange Item No. 1);
- Commission Staff's Recommendation on Application and Notice filed on September 15, 2023 (Interchange Item No. 3);
- Aqua WSC's Response to Order No. 2 filed on October 26, 2023 (Interchange Item No. 7);
- Aqua WSC's Response to Order No. 2 and Mapping and Shapefiles filed on November 8, 2023 (Interchange Item No. 8);
- Commission Staff's Supplemental Recommendation on Administrative Completeness and Notice filed on November 29, 2023 (Interchange Item No. 9);

- Aqua WSC’s Response to Order No. 4 filed on December 5, 2023 (Interchange Item No. 11);
- Commission Staff’s Recommendation on Notice filed on January 22, 2024 (Interchange Item No. 12);
- Aqua WSC’s Consent Form filed on February 26, 2024 (Interchange Item No. 16); and
- Commission Staff’s Final Recommendation filed on March 20, 2024 (Interchange Item No. 17).

II. PROPOSED NOTICE OF APPROVAL

The parties respectfully request that the Commission adopt the findings of fact, conclusions of law, and ordering paragraphs contained in the attached Proposed Notice of Approval.

III. CONCLUSION

The parties respectfully request that an order be issued granting the above Motion to Admit Evidence and adopting the attached Proposed Notice of Approval.

Dated: April 15, 2024

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Marisa Lopez Wagley
Division Director

Andy Aus
Managing Attorney

/s/ Dylan King

Dylan King
State Bar No. 24131431
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7299
(512) 936-7268 (facsimile)
Dylan.King@puc.texas.gov

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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 April 15, 2024 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Dylan King

Dylan King

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AND NECESSITY IN BASTROP	§	
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JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses the application of Aqua Water Supply Corporation (Aqua WSC) to decertify a portion of its sewer Certificate of Convenience and Necessity (CCN) No. 20962 in Bastrop County under Texas Water Code (TWC) § 13.254(a) and 16 Texas Administrative Code (TAC) § 24.245(d). The Commission approves the requested CCN decertification to the extent provided in this Notice of Approval.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. Aqua WSC is a retail public utility.
2. Aqua WSC operates, maintains, and controls facilities for wastewater service under CCN number 20962 in Bastrop County, Texas.

Application

3. On August 15, 2023, Aqua WSC filed the application at issue in this proceeding.
4. In its application, Aqua WSC seeks to decertify approximately 41.6 acres from CCN number 20962 in Bastrop County, Texas.
5. Aqua WSC has no current customers and no utility infrastructure in the area requested for decertification.
6. Aqua WSC filed supplemental material on October 26, 2023 and November 3, 2023.
7. In Order No. 4, issued on November 30, 2023, the ALJ found the application administratively complete, as supplemented.

Notice

8. On December 4, 2023, Aqua WSC sent notice to customers within the decertification area.
9. The notice contained maps and shapefiles of the area to be decertified.

10. Order No. 5, filed on January 23, 2024, found notice sufficient.

Jurisdiction

11. Aqua WSC is a retail public utility that purchases water.
12. Aqua WSC is under the original jurisdiction of the Commission.

Evidentiary Record

13. On April _____, 2024, Aqua WSC and Commission Staff filed a joint motion to admit evidence.
14. In Order No. __ filed on _____, 2024, the ALJ admitted the following evidence into the record:
 - a. Aqua WSC's application and all attachments filed on August 15, 2023 (Interchange Item No. 1);
 - b. Commission Staff's Recommendation on Application and Notice filed on September 15, 2023 (Interchange Item No. 3);
 - c. Aqua WSC's Response to Order No. 2 filed on October 26, 2023 (Interchange Item No. 7);
 - d. Aqua WSC's Response to Order No. 2 and Mapping and Shapefiles filed on November 8, 2023 (Interchange Item No. 8);
 - e. Commission Staff's Supplemental Recommendation on Administrative Completeness and Notice filed on November 29, 2023 (Interchange Item No. 9);
 - f. Aqua WSC's Response to Order No. 4 filed on December 5, 2023 (Interchange Item No. 11);
 - g. Commission Staff's Recommendation on Notice filed on January 22, 2024 (Interchange Item No. 12);
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 - i. Commission Staff's Final Recommendation filed on March 20, 2024 (Interchange Item No. 17).

Adequacy of Existing Service

15. Aqua WSC has an approved Texas Commission on Environmental Quality (TCEQ) discharge permit number WQ00014263-001 to serve its existing customers.

Need for Additional Service — TWC § 13.246(c)(2), 16 TAC 24.227(d)(2)

16. Aqua WSC has received no requests for service in the area to be decertified.

Effect of Granting the Amendment

17. Although Aqua WSC owns the CCN where the area requested for decertification is located, granting the CCN amendment will not adversely affect any other retail public utility of the same kind in the proximate area.
18. Granting Aqua WSC's CCN amendment will enable Integra Water Texas, LLC to serve in the released areas.

Ability to Serve

19. Aqua WSC does not have any facilities in the area requested for decertification, and Aqua WSC applied for the decertification at the request of Cayetano Development, LLC.

Service from Other Utilities

20. Because Aqua WSC is releasing the requested area, the feasibility of obtaining service from an adjacent retail public utility is not applicable.

Environmental Integrity

21. The environmental integrity of the land will not be affected as a result of the requested CCN amendment.

Improvement in Service and Lowering of Cost

22. No improvement of service or lowering of cost to customers will result from granting the CCN amendment because no services are provided in the requested area.

Effect on the Land

23. No effect on the land will occur as a result of the requested CCN amendment.

Map and Certificate

24. On February 26, 2024, Aqua WSC filed its consent to the proposed map and certificate, with the proposed map and certificate attached.

Informal Disposition

25. More than 15 days have passed since the completion of notice provided in this docket.
26. No person filed a protest or motion to intervene.
27. Aqua WSC and Commission Staff are the only parties to this proceeding.
28. No party requested a hearing, and no hearing is needed.
29. Commission Staff recommended approval of the application.
30. 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 the application under Texas Water Code (TWC) § 13.254(a) and 16 Texas Administrative Code (TAC) § 24.245(d).
2. Aqua WSC is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(31).
3. The Commission may approve this application in accordance with the TWC § 13.254(a) and 16 TAC § 24.245(h).
4. The application meets the requirements set forth in TWC § 13.254(a) and 16 TAC § 24.245(h).
5. Under TWC § 13.257(r) and (s), Aqua WSC is required to record a certified copy of the approved certificate and map, along with a boundary description of the service area, in the real property records of Bastrop County and submit to the Commission evidence of the record.
6. Notice of the application was provided in compliance with 16 TAC § 24.25(b)(2)(F).
7. The Commission processed the application as required by the TWC, the Administrative Procedure Act,¹ and Commission rules.
8. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

¹ Tex. Gov't Code Ann. §§ 2001.001–2001.903.

III. Ordering Paragraphs

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

1. The Commission approves the application and amends Aqua WSC's sewer CCN number 20962 as described in the Notice of Approval.
2. The Commission's official service-area boundary map for Aqua WSC will reflect this change.
3. Aqua WSC must serve every customer and applicant within the area certified under its sewer CCN, and such service must be continuous and adequate.
4. Aqua WSC must comply with the recording requirements of TWC § 13.257(r) and (s) for the area in Bastrop County affected by this application.
5. Aqua WSC must file in this docket proof of the recording required in order paragraph number four no later than 45 days after the date of this Notice of Approval.
6. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the ___ day of ___ 2024.

**CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE**