



## **Filing Receipt**

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**Item Number - 22**

**DOCKET NO. 55366**

**APPLICATION OF AQUA WATER  
SUPPLY CORPORATION TO  
DECERTIFY A PORTION OF ITS  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN BASTROP  
COUNTY**

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**PUBLIC UTILITY COMMISSION  
  
OF TEXAS**

**NOTICE OF APPROVAL**

This Notice of Approval addresses the application of Aqua Water Supply Corporation to amend its sewer certificate of convenience and necessity (CCN) number 20962 by decertifying a portion of its certificated service area in Bastrop County. The Commission decertifies the requested area from Aqua WSC's certificated service area and amends Aqua WSC's CCN number 20962 to reflect the decertification of the requested area.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Applicant**

1. Aqua WSC is a Texas nonprofit corporation registered with the Texas secretary of state under filing number 25894701 and operating under chapter 67 of the Texas Water Code (TWC).
2. Aqua WSC operates, maintains, and controls facilities for providing retail sewer service under CCN number 20962 in multiple counties, including Bastrop County.

**Application**

3. On August 15, 2023, Aqua WSC filed the application at issue in this proceeding seeking to decertify a portion of its certificated service area under CCN number 20962.
4. On October 26 and November 8, 2023, Aqua WSC filed supplemental information.
5. The requested area is approximately 41.6 acres and zero customer connections and is comprised of two areas:

- a. Requested area one is located approximately 3.8 miles northeast of downtown Mustang Ridge, Texas, and is generally bounded on the north by Doyle Overton Road; on the east by County Road 92; on the south by the intersection of Longhollow Road and Prairie Hill Road; and on the west by the intersection of Doyle Overton Road and Eilers Road.
  - b. Requested area two is located approximately 4.3 miles northeast of downtown Mustang Ridge, Texas, and is generally bounded on the north by Hokanson Road; on the east by County Road 92; on the south by St. Marys Road; and on the west by the intersection of Longhollow Road and Doyle Overton Road.
6. In Order No. 4 filed on November 30, 2023, the administrative law judge (ALJ) found the application, as supplemented, administratively complete.

#### **Notice**

7. On December 5, 2023, Aqua WSC filed the affidavit of Shelley Young, authorized representative of Aqua WSC, attesting that notice was provided to all landowners on December 4, 2023.
8. In Order No. 5 filed on January 23, 2024, the ALJ found the notice sufficient.

#### **Evidentiary Record**

9. In Order No. 8 filed on April 18, 2024, the ALJ admitted the following evidence into the record of this proceeding:
  - a. The application, including all attachments, filed on August 15, 2023;
  - b. Commission Staff's recommendation on administrative completeness, notice, and proposed procedural schedule filed on September 15, 2023;
  - c. Aqua WSC's response to Order No. 2 filed on October 26, 2023;
  - d. Aqua WSC's response to Order No. 2, including mapping and shapefiles, filed on November 8, 2023;
  - e. Commission Staff's supplemental recommendation on administrative completeness and notice and proposed procedural schedule filed on November 29, 2023;

- f. Aqua WSC's proof of notice filed on December 5, 2023;
- g. Commission Staff's recommendation on notice filed on January 22, 2024;
- h. Aqua WSC's consent form filed on February 26, 2024; and
- i. Commission Staff's final recommendation, including attachments, filed on March 20, 2024.

**Circumstances of Decertification**

- 10. Aqua WSC has never provided retail sewer service to any customers in the requested area.
- 11. Aqua WSC does not own any facilities in the requested area.
- 12. Aqua WSC has not received any requests for sewer service in the requested area.
- 13. Aqua WSC consented in writing to decertification of the requested area.

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

- 14. Aqua WSC has no customers and owns no facilities in the requested area.
- 15. Aqua WSC has not received any requests for sewer service in the area it seeks to decertify.
- 16. All landowners in the requested area were provided notice of the decertification.
- 17. Cayetano Development, LLC consented to the decertification; therefore, there will be no adverse effect on landowners in the requested area.
- 18. Granting Aqua WSC's CCN amendment will enable Integra Water Texas, LLC to serve in the requested area.
- 19. After decertification, Aqua WSC will not be obligated to provide continuous and adequate service to the requested area.

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

- 20. Aqua WSC's remaining customers are served by separate sewer systems outside the requested area.
- 21. Decertification of the requested area will not impact Aqua WSC's ability to serve its remaining customers in the certificated area under CCN number 20962.

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

22. Aqua WSC has no customers and owns no facilities in the requested area so service to the requested area will not be discontinued, reduced, or impaired.
23. New facilities will need to be constructed by a future CCN holder to serve the requested area.

**Compensation from a Prospective Retail Public Utility**

24. Aqua WSC is not entitled to compensation from a prospective retail public utility because it requested decertification of the requested area by consent.

**Map and Certificate**

25. On February 22, 2024, Commission Staff emailed its proposed final map and certificate to Aqua WSC.
26. On February 26, 2024, Aqua WSC filed its consent to the proposed final map and certificate.
27. The proposed final map and certificate were included as attachments to Commission Staff's final recommendation filed on March 20, 2024.

**Informal Disposition**

28. More than 15 days have passed since completion of notice provided in this docket.
29. No person filed a protest or motion to intervene.
30. Aqua WSC and Commission Staff are the only parties to this proceeding.
31. No party requested a hearing, and no hearing is necessary.
32. Commission Staff recommended approval of the application.
33. The 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 TWC §§ 13.041, 13.241, 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. Aqua WSC's application, as supplemented, meets the requirements of TWC § 13.244 and 16 TAC § 24.227.
4. Good cause exists under 16 TAC § 24.2(b) to grant an exception to the requirement in 16 TAC § 24.245(d)(2)(A) that notice of the application be provided at the time the application was filed to landowners in the requested area.
5. The Commission processed the application in accordance with the requirements of the TWC, the Administrative Procedure Act,<sup>1</sup> and Commission rules.
6. Aqua WSC 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, as required by TWC § 13.254(a) and 16 TAC § 24.245(d)(1)(E) and (d)(2).
8. Under TWC § 13.254(h), after decertification of the requested area, Aqua WSC will no longer be obligated to provide retail sewer service to the requested area.
9. After consideration of the factors in 16 TAC § 24.245(d)(2), Aqua WSC demonstrated that existing customers and landowners will not be adversely affected by decertification of the requested area.
10. Under 16 TAC § 22.245(d)(2)(F), Aqua WSC is not entitled to compensation from a prospective retail public utility.
11. Under TWC § 13.257(r) and (s), Aqua WSC must record a certified copy of the approved map and certificate, along with a boundary description of the service area, in the real property records of Bastrop County within 31 days of this Notice of Approval and submit evidence of recording to the Commission.
12. The requirements for informal disposition in 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 decertifies the requested area from Aqua WSC's certificated service area and amends Aqua WSC's CCN number 20962 to reflect the decertification of 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. Aqua WSC must provide service to every customer and applicant for service within the approved area under CCN number 20962 who requests sewer service and meets the terms of Aqua WSC's sewer service policies, and such service must be continuous and adequate.
5. Aqua WSC must comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Bastrop County affected by this application and must file in this docket proof of the recording 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 on the 1st day of May 2024.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

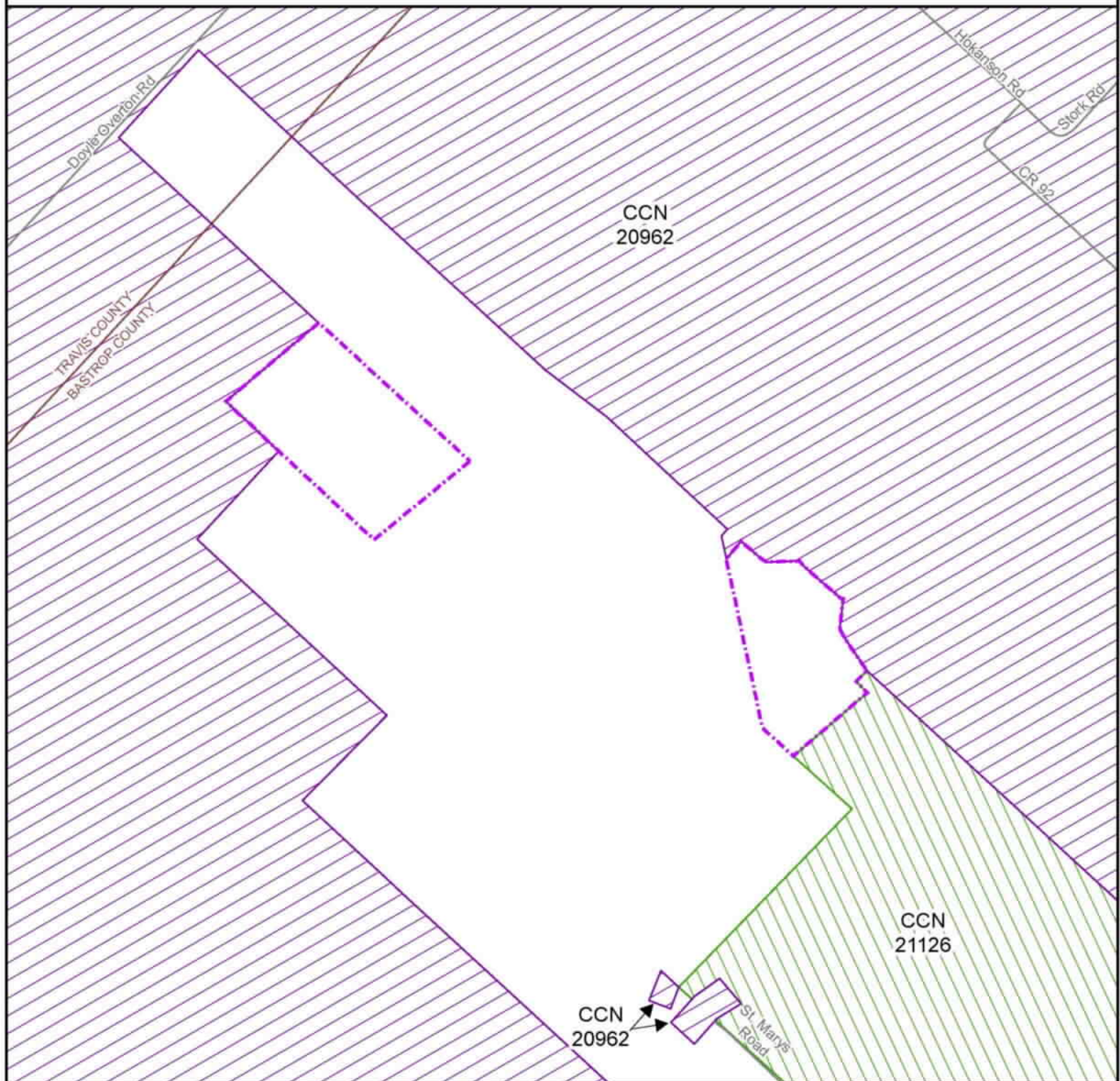


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**CHRISTINA DENMARK**  
**ADMINISTRATIVE LAW JUDGE**



PUCT Docket No. 55366  
Aqua WSC  
Portion of Sewer CCN No. 20962  
Decertify a Portion of CCN No. 20962 in Bastrop County



**Sewer CCN**

- 20962 - Aqua WSC
- 21126 - Integra Water Texas LLC

Portion to Decertify

0 450 900  
Feet







# **Public Utility Commission of Texas**

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

## **Aqua Water Supply Corporation**

having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it 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. 20962**

to provide continuous and adequate sewer utility service to that service area or those service areas in Bastrop and Travis counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 55366 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.