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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	§	

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

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 and November 8, 2023.

On October 6, 2023, the administrative law judge (ALJ) filed Order No. 3, requiring Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation regarding the administrative completeness of the application, along with a proposed procedural schedule, if appropriate by November 29, 2023. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the supplemental application and, as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that the supplemented application is administratively complete. This is not a comment on the merits of the application.

II. NOTICE

At this time, Staff recommends that Aqua WSC proceed with providing public notice to each landowner and customer that is wholly or partly located in the requested area, as mentioned in the attached memorandum using the notice form provided by Ms. Garcia. Along with each individual notice, Staff recommends that Aqua WSC provide an accurate map delineating the requested service area.

Once notice has been provided, Staff recommends that Aqua WSC 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 Aqua WSC use the attached notices and affidavits to meet these requirements.

III. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Staff therefore propose the following procedural schedule:

Event	Date
Deadline for Aqua WSC 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 and published in a newspaper of general circulation	January 12, 2024
Deadline for Staff to file a recommendation on sufficiency of notice	January 22, 2024
Deadline to intervene	30 days after notice is issued

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively complete, that Aqua WSC be directed to provide notice as described in Ms. Garcia'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 29, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Lopez Wagley
Division Director

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/s/ Dylan King
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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 November 29, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Dylan King
Dylan King

Public Utility Commission of Texas

Memorandum

TO: Dylan King, Attorney
Legal Division

FROM: Patricia Garcia, Infrastructure Analysis Section Director
Infrastructure Division

DATE: November 29, 2023

RE: Docket No. 55366 – *Application of Aqua Water Supply Corporation to Decertify a Portion of Its Certificate of Convenience and Necessity in Bastrop County*

On August 15, 2023, Aqua Water Supply Corporation (Aqua WSC) filed a petition to decertify a portion of its sewer Certificate of Convenience and Necessity (CCN) No. 20962 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 Hank Journeay, Infrastructure Division, the revised maps and digital mapping data submitted with Item 8 on November 8, 2023 are sufficient.

- The requested area 1 includes 0 customer connections and approximately 24.3 acres to decertify from Aqua WSC (CCN No. 20962).
- The requested area 2 includes 0 customer connections and approximately 17.3 acres to decertify from Aqua WSC (CCN No. 20962).
- **The total requested area includes 0 customer connections and approximately 41.6 acres to decertify from Aqua WSC (CCN No. 20962).**
- The application proposes the subtraction of approximately 41.6 acres from CCN No. 20962.

Based on my technical and managerial review of the additional information filed on November 8, 2023, I recommend that the application be deemed administratively complete.

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 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 Aqua WSC. Aqua WSC will have 20 days from the receipt of the RFI to respond.

Notice to Landowners and Customers

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

To: _____ Date Notice Mailed: _____, 20____
(Neighboring System, Landowner, Customer or City)

(Address)

(City State Zip)

Aqua Water Supply Corporation has filed an application with the Public Utility Commission of Texas to decertify a portion of its water Certificate of Convenience and Necessity (CCN) No. 20962 in Bastrop County, Texas.

Requested Area 1:

The requested area 1 is located approximately 3.8 mile(s) 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.

The requested area 1 includes 0 customer connections and approximately 24.3 acres to decertify from Aqua WSC (CCN No. 20962).

Requested Area 2:

The requested area 2 is located approximately 4.3 mile(s) 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.

The requested area 2 includes 0 customer connections and approximately 17.3 acres to decertify from Aqua WSC (CCN No. 20962).

The total requested area includes 0 customer connections and approximately 41.6 acres to decertify from Aqua WSC (CCN No. 20962).

The application proposes the subtraction of approximately 41.6 acres from CCN No. 20962.

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. 55366

STATE OF TEXAS

COUNTY OF _____

- _____ has
- ☐ Determined that there are no additional customers or landowners with land wholly or partly inside the area requested for decertification other than the landowner who requested and has agreed to the decertification.
- ☐ 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 _____