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PUC DOCKET NO. 55843

PETITION OF JUSTIN TIMBERBROOK,	§	
LLC TO AMEND AQUA TEXAS, INC.	§	
WATER CERTIFICATE	§	BEFORE THE
OF CONVENIENCE AND NECESSITY	§	
NO. 13201 BY DECERTIFYING A	§	PUBLIC UTILITY COMMISSION
PORTION OF THE SERVICE AREA PER	§	
TEXAS WATER CODE § 13.254(a) AND	§	OF TEXAS
16 TEX. ADMIN. CODE § 24.245(d)	§	

**JUSTIN TIMBERBROOK, LLC'S
REQUEST FOR EXTENSION**

On November 15, 2023, Justin Timberbrook, LLC ("Timberbrook") filed with the Public Utility Commission of Texas ("Commission") the above referenced Petition to decertify a portion of Aqua Texas, Inc.'s ("Aqua's") Water Certificate of Convenience and Necessity No. 13201 from 492.789 acres of property owned by Timberbrook ("Timberbrook Property"). On December 15, 2023, Commission Staff filed a recommendation regarding the sufficiency of the Petition, which included a memorandum identifying several alleged deficiencies. Order No. 2 issued on December 18, 2023 requires Timberbrook to supplement the Petition to address the alleged deficiencies.

**RESPONSE TO THE ISSUES IDENTIFIED IN PUC STAFF'S MEMO AND
REQUEST FOR EXTENSION**

Aqua and Timberbrook disagree with the applicability of 16 Tex. Admin. Code § 24.245(d)(2) to this matter as the decertification Petition was filed by Timberbrook, the owner of the Timberbrook Property area requested to be decertified from CCN No. 13201, with Aqua's written consent under 16 Tex. Admin. Code § 24.245(d)(1)(E). The Petition was not filed by Aqua, the CCN holding retail public utility, under 16 Tex. Admin. Code § 24.245(d)(2). The latter provision was the basis for Commission Staff's alleged deficiencies identified in Commission Staff's December 15, 2023 memo. Aqua and Timberbrook disagree with Commission Staff's

determination that the Petition was deficient. Nevertheless, Timberbrook, with input from Aqua, will address each of the issues raised by Commission Staff.

One of the issues raised by Commission Staff is a request that the agreement signed and dated by Timberbrook and Aqua to decertify Aqua's CCN territory be provided. Concurrently with this filing, Timberbrook is filing in this docket a standard Commission Protective Order, and upon approval, will provide the agreement.

In order to address the mapping issues identified by Commission Staff, counsel for Timberbrook and counsel for Commission Staff have been coordinating to arrange for a conference call with Commission Staff and Timberbrook's mapping engineers. However, prior to discussing mapping issues, Commission Staff has recently confirmed that they would like to review the agreement, which will be provided pursuant to the standard Commission Protective Order. Therefore, Timberbrook requests an extension until January 30, 2024 to address the mapping issues and the remaining issues raised by Commission Staff.

CONCLUSION AND PRAYER

Timberbrook respectfully requests that Timberbrook be granted an extension until January 30, 2024 to address the mapping issues and other issues identified by Commission Staff, and to extend the deadline for Commission Staff's supplemental review to February 29, 2024.

Respectfully submitted,

Derek Seal
State Bar No. 00797404
MCGINNIS LOCIRIDGE, LLP
1111 W. 6th St., STE. 400
Austin, Texas 78703
Phone: (512) 495-6175
Fax: (512) 505-6380
dseal@mcginnislaw.com
**ATTORNEY FOR JUSTIN TIMBERBROOK,
LLC**

CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred with counsel for Commission Staff and counsel for Aqua regarding the foregoing request for an extension to address the mapping issues identified by Commission Staff, each of which agree with the request. I have also conferred with counsel for Commission Staff and counsel for Aqua regarding applying the extension to the other issues raised by Commission Staff, although an express response has not been received.

Derek Seal

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the above and foregoing document was served on the party indicated below via certified mail as required by Commission rules on January 16, 2024.

Aqua Texas, Inc.
1106 Clayton Ln., Suite 400W
Austin, Texas 78723-2476

Rowan Pruitt
State Bar No. 24137425
Scott Miles
State Bar No. 24098103
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7308
(512) 936-7268 (facsimile)
Rowan.Pruitt@puc.texas.gov
Scott.Miles@puc.texas.gov
ATTORNEYS FOR COMMISSION STAFF

Geoffrey P. Kirshbaum
State Bar No. 24029665
810 W. 10th Street
Austin, Texas 78701
(512) 474-9100
(512) 474-9888 (fax)
gkirshbaum@terillwaldrop.com
ATTORNEY FOR AQUA TEXAS, INC.

Derek Seal