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DOCKET NO. 56457

PETITION OF DENTON OLIVER	§	PUBLIC UTILITY COMMISSION
CREEK, LP TO AMEND AQUA TEXAS,	§	
INC.'S CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
DENTON COUNTY BY STREAMLINED	§	
EXPEDITED RELEASE	§	

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

On April 5, 2024, Denton Oliver Creek, LP (Denton Oliver Creek) filed a petition for streamlined expedited release from Aqua Texas, Inc.'s (Aqua Texas) water certificate of convenience and necessity (CCN) number 13201 in Denton County under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Denton Oliver Creek asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

On July 23, 2024, the administrative law judge (ALJ) filed Order No. 4, requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the administrative completeness of the petition and notice and propose a procedural schedule for continued processing of the petition, if applicable by September 18, 2024. Therefore, this pleading is timely filed.

I. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and supplemental information and, as detailed in the attached memorandum from Jaspinder Singh of the Infrastructure Division, recommends that the supplemented petition be deemed to be administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

II. RECOMMENDATION ON NOTICE SUFFICIENCY

Under 16 TAC § 24.245(h)(3)(F), a landowner seeking streamlined expedited release must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition to the Commission. Denton Oliver Creek stated that it mailed a copy of its petition to the CCN holder, Aqua Texas, by certified mail on the

day the petition was filed with the Commission. In addition, Denton Oliver Creek stated that it mailed a copy of its amended petition to Aqua Texas on the day its amended petition was filed with the Commission. Accordingly, Staff recommends that the notice is sufficient.

III. PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins once the ALJ issues an order finding a petition administratively complete. Staff recommends that the petition be found administratively complete. Therefore, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues that order.

Event	Date
Deadline for the CCN holder to file a response, verified by a notarized affidavit, to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a response to CCN holder's response to the administratively complete petition	27 days from the date of the order finding the petition administratively complete
Deadline for Staff's recommendation on final disposition	41 days from the date of the order finding the petition administratively complete
Sixty-day administrative approval of streamlined expedited release	60 days from the date of the order finding the petition administratively complete
<i>In the event streamlined expedited release is granted and petitioner and CCN holder can select an agreed-upon appraiser</i>	
Deadline for petitioner and the CCN holder to make a filing stating that they have selected an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for appraiser's report	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to CCN holder	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to CCN holder	Within 90 days of the Commission's final order on compensation
<i>In the event streamlined expedited release is granted and petitioner and CCN holder unable to select an agreed-upon appraiser</i>	
Deadline for petitioner and the CCN holder to make a filing stating that they have been unable to select an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release

Deadline for reports from petitioner's appraiser and the CCN holder's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to the CCN holder	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to the CCN holder	Within 90 days of the Commission's final order on compensation

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively complete, that the notice be found sufficient, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: September 17, 2024

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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DOCKET NO. 56457

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 September 17, 2024, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Arnett D. Caviel
Arnett D. Caviel

Public Utility Commission of Texas

Memorandum

TO: Arnett Caviel, Attorney
Legal Division

FROM: Jaspinder Singh, Engineering Specialist
Infrastructure Division

DATE: September 17, 2024

RE: Docket No. 56457 – *Petition of Denton Oliver Creek, LP to Amend Aqua Texas, Inc.'s Certificate of Convenience and Necessity in Denton County by Streamlined Expedited Release*

On April 5, 2024, Denton Oliver Creek, LP (Denton Oliver Creek) filed a petition for streamlined expedited release from Aqua Texas, Inc.'s (Aqua Texas) water Certificate of Convenience and Necessity (CCN) No. 13201 in Denton County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Denton Oliver Creek asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county. A revised petition and landowner's affidavit were filed with Item 10 on August 1, 2024.

Denton Oliver Creek submitted a sworn affidavit attesting that the tract of land was not receiving water service from Aqua Texas and a special warranty deed confirming ownership of the tract of land. Denton Oliver Creek included a statement indicating a copy of the petition was sent via certified mail to Aqua Texas on the date the petition was filed with the Commission.

Based on the mapping review by Dave Babicki, Infrastructure Division, the revised maps and digital mapping data filed with Item 5 on June 5, 2024, and the same revised maps and digital mapping data filed with Item 10 on August 1, 2024, are all sufficient for determining the location of the tract of land considered for streamlined expedited release is located within Aqua Texas's water CCN No. 13201.

The tract of land in the petition for streamlined expedited release is approximately 559.7 acres, of which approximately 160.5 acres overlap Aqua Texas (CCN No. 13201) and would be decertified from CCN No. 13201.

Based on my technical and managerial review and the mapping review by Dave Babicki of the additional information provided by Denton Oliver Creek on June 5, 2024, and August 1, 2024, I recommend the petition be deemed administratively complete and accepted for filing.