



## **Filing Receipt**

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**Control Number - 56457**

**Item Number - 15**

**DOCKET NO. 56457**

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

**COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION**

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 September 20, 2024, the administrative law judge (ALJ) filed Order No. 5, requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on final disposition by October 29, 2024. Therefore, this pleading is timely filed.

**I. RECOMMENDATION**

Staff has reviewed the petition and supplemental information, and as detailed in the attached memorandum of Jaspinder Singh of the Infrastructure Division, recommends that the petition satisfies the requirements of TWC § 13.2541(b) and 16 TAC § 24.245(h). Additionally, the final water CCN map and certificate are attached to this filing. Staff recommends that the final map and certificate be provided to Aqua Texas and that Denton Oliver Creek be directed to file a certified copy of the CCN map and a boundary description of the CCN service area in the Denton County Clerk's office, as required by TWC § 13.257(r)-(s).

**II. CONCLUSION**

For the reasons detailed above, Staff respectfully recommends the petition be approved and respectfully requests the entry of an order consistent with the foregoing.

Dated: October 29, 2024

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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Division Director

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**DOCKET NO. 56547**

**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 October 29, 2024, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Arnett D. Caviel  
Arnett D. Caviel

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Arnett Caviel, Attorney  
Legal Division

**FROM:** Jaspinder Singh, Engineering Specialist  
Infrastructure Division

**DATE:** October 29, 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*

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On April 5, 2024, and August 1, 2024 (revised petition) 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.

Denton Oliver Creek provided a special warranty deed confirming ownership of the tract of land within Aqua Texas's certificated service area. In addition, Denton Oliver Creek submitted a sworn affidavit attesting that the tract of land was not receiving water service from the CCN holder. Aqua Texas requested to intervene.

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. It was determined that 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.

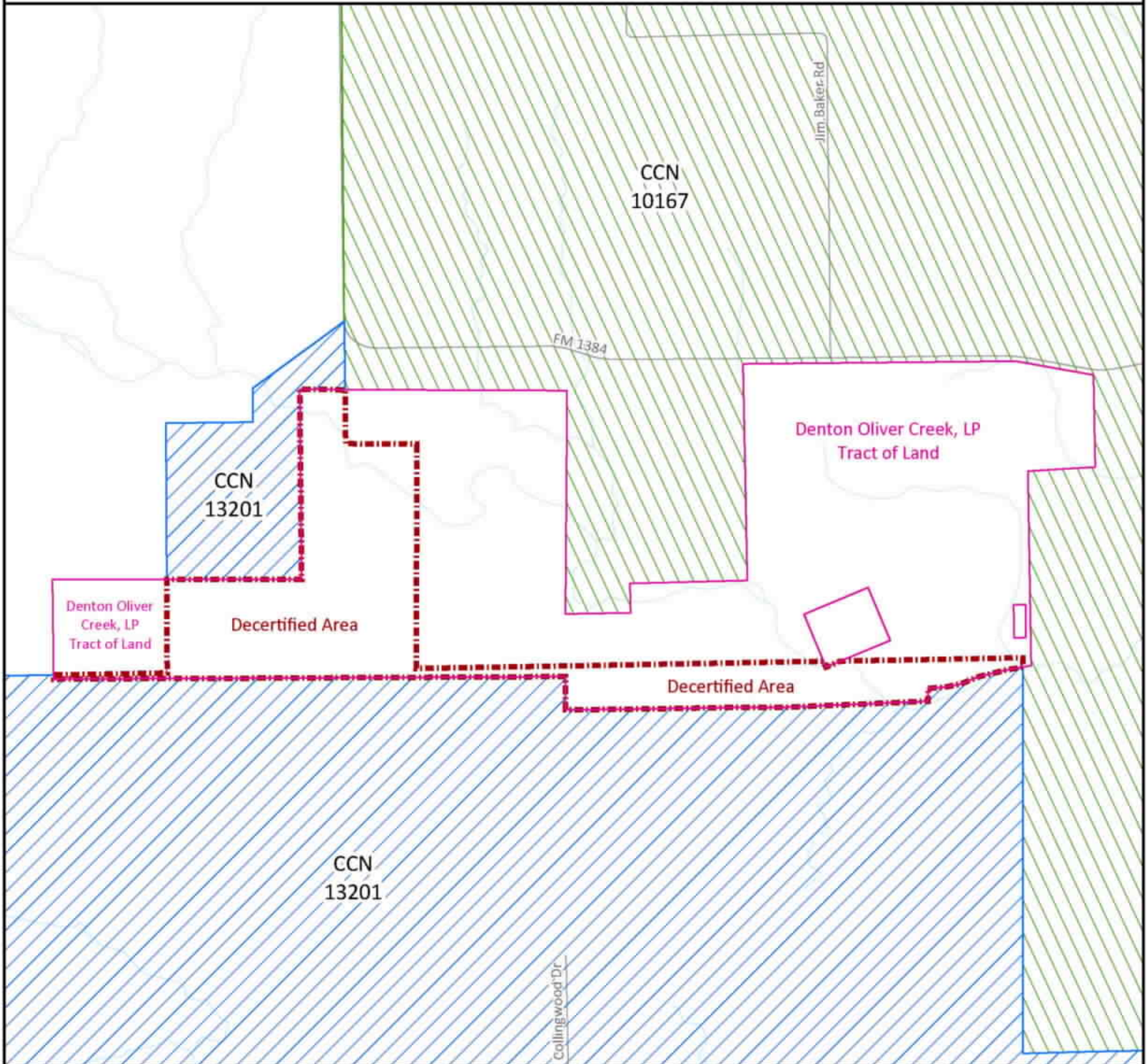
Aqua Texas provided documentation clarifying that service facilities are immediately to the south and west of the property, and further stated that the property is receiving water service from Aqua Texas through its commitments to, existing facilities, and capacity proximate to the property.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), Denton Oliver Creek met the Commission's requirements to allow for the release of the tract of land from Aqua Texas's



CCN No. 13201. Therefore, I recommend approval of the petition. Enclosed is a final map and certificate for Commission approval.



Additionally, I recommend that a final map and certificate be provided to the CCN holder.

PUCT Docket No. 56457  
Aqua Texas, Inc.  
Portion of Water CCN No. 13201  
Petition by Denton Oliver Creek, LP to Amend  
Aqua Texas, Inc.'s CCN by Streamlined Expedited Release in Denton County



Water CCN

-  13201 - Aqua Texas Inc
-  10167 - City of Justin

-  Decertified Area
-  Tract of Land







# **Public Utility Commission of Texas**

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

## **Aqua Texas, Inc.**

having obtained certification to provide water 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 Texas, Inc. is entitled to this

### **Certificate of Convenience and Necessity No. 13201**

to provide continuous and adequate water utility service to that service area or those service areas in Anderson, Bosque, Camp, Cherokee, Collin, Cooke, Denton, Erath, Freestone, Grayson, Gregg, Henderson, Hood, Hunt, Johnson, Kaufman, McLennan, Marion, Navarro, Parker, Smith, Somervell, Tarrant, Wise and Wood counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 56457 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 Aqua Texas, Inc. 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.