



Filing Receipt

Filing Date - 2024-07-17 09:30:08 AM

Control Number - 56457

Item Number - 8

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 May 7, 2024, the administrative law judge (ALJ) filed Order No. 2, requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on administrative completeness of the petition and the sufficiency of notice and propose a procedural schedule by July 11, 2024.

I. RECOMMENDATION

Staff has reviewed the petition and, as detailed in the attached memorandum from Jaspinder Singh of the Infrastructure Division, recommends that the petition continues to be administratively incomplete. Staff further recommends that Denton Oliver Creek be ordered to cure the deficiencies identified in Mr. Singh's memorandum by August 19, 2024, and that Staff be given a deadline of September 18, 2024, to file a supplemental recommendation on the administrative completeness of the petition and notice.

Staff respectfully requests adoption of these proposed deadlines as the noted deficiencies are related to petition content and mapping information and Staff's mapping experts may be required to assist Denton Oliver Creek regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty days to review same.

II. PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation as to the administrative completeness of the petition, Staff does not propose a procedural schedule for further processing of the docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation that the petition be found administratively complete.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively incomplete, and that Denton Oliver Creek be ordered to file supplemental information to cure the deficiencies in the petition by August 19, 2024, and that Staff be given a deadline of September 18, 2024, to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: July 17, 2024

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Marisa Lopez Wagley
Division Director

Andy Aus
Managing Attorney

/s/ Arnett D. Caviel
Arnett D. Caviel
State Bar No. 24121533
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7245
(512) 936-7268 (facsimile)
Arnett.Caviel@puc.texas.gov

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 July 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: July 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.

Based on the mapping review and my technical and managerial review of the additional information provided by Denton Oliver Creek, on June 5, 2024, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Petition Content:

Denton Oliver Creek must file the following to resolve petition deficiencies:

- 1) A revised petition and revised landowner's affidavit that states the same information as before, in addition to referencing the revised maps and digital mapping data filed in Item 5 on June 5, 2024.
- 2) The revised petition and revised landowner's affidavit should remove the approximate acreage (103.813 acres) for the tract of land that overlaps with Aqua Texas (CCN No. 13201). Staff determines this acreage for the tract of land to decertify from CCN No. 13201.