

PUC DOCKET NO. 55577

**APPLICATION OF AQUA TEXAS, INC. § PUBLIC UTILITY COMMISSION
TO AMEND ITS SYSTEM §
IMPROVEMENT CHARGES UNDER § OF TEXAS
16 TAC § 24.76 §**

**MOTION TO INTERVENE BY THE WATERSHED ASSOCIATION, WOODCREEK
PROPERTY OWNERS ASSOCIATION, AND TRINITY EDWARDS SPRINGS
PROTECTION ASSOCIATION**

COME NOW the Wimberley Valley Watershed Association (DBA “the Watershed Association”), Woodcreek Property Owners Association (“Woodcreek POA”), and Trinity Edwards Springs Protection Association (“TESPA”) (together, “Intervenors”), pursuant to 16 Texas Administrative Code (“TAC”) §§ 24.76(f) and 22.103-104, file this Motion to Intervene in this proceeding, to protest the proposed implementation of the proposed system improvement charge (“SIC”) for the Southwest Region of Aqua Texas, Inc. As set forth below, the Watershed Association and Woodcreek POA have a justiciable interest that may be adversely affected by the outcome of this proceeding and all Intervenors have members who also have a justiciable interest that may be affected. In support of this motion, Intervenors would show the following:

I. THIS MOTION TO INTERVENE IS TIMELY

The intervention deadline for SIC applications is 25 days from the date service of notice is complete. 16 TAC § 24.76(f). Aqua Texas filed the affidavit of Rasool Ahmadibeni stating that notice was mailed “to each and every affected existing customer of Aqua’s subdivisions and service areas in its North Region, Southwest Region, and Southeast Region” on October 27, 2023. The notice served on individual members of the Watershed Association, Woodcreek POA, and TESPA states an intervention deadline of November 21, 2023. Therefore, the filing of this Motion to Intervene is timely.

II. THE INTERVENORS HAVE A JUSTICIABLE INTEREST

Pursuant to 16 TAC § 22.103(b), an association or organized group has standing to intervene if the association or group has a justiciable interest which may be adversely affected by the outcome of the proceeding or represents persons who may be adversely affected by the outcome. Aqua's notice of its application to amend its SIC in the Southwest Region (Water CCN No. 13254 and Sewer CCN No. 21116) states that "all Aqua water and wastewater customers outside of the corporate limits of municipalities are affected by this request." The Watershed Association and the Woodcreek POA both have a justiciable interest which may be adversely affected by the outcome of this proceeding and all Intervenors have members with a justiciable interest which may be adversely affected. *See* 16 TAC § 22.103(b)(2).

a. The Watershed Association has standing to intervene.

The Watershed Association is a 501(c)(3) non-profit, membership organization whose mission includes fostering community awareness of the watershed and the community's responsibility to its watershed in the Wimberley Valley, across the Hill Country region, and throughout the state of Texas. Wimberley Valley Watershed Association, DBA the Watershed Association, owns real property within the Southwest Region of Aqua's Water CCN No. 13254 and Sewer CCN No. 21116 and outside the corporate limits of municipalities. The address of three of these properties are: 4 Persimmon Dr., Wimberley, TX 78676; 6 Persimmon Dr., Wimberley, TX 78676; and 3 Agave Ct., Wimberley, TX 78676. Though the Watershed Association is not currently an Aqua ratepayer, should the water and sewer rates increase as a result of this proceeding, the Watershed Association's only choice for water and sewer connections to its properties would be Aqua's service connections, subject to the rates that result from this proceeding. Therefore, the Watershed Association itself is directly affected by the issues raised in this proceeding.

The Watershed Association also has members who will be affected. Included in **Attachment A** are the names and service addresses of members of the Watershed Association, each of whom are retail water and wastewater utility customers of Aqua outside the corporate limits of municipalities. These members of the Watershed Association are directly affected by the issues raised in this proceeding and its outcome, because these members will have to pay Aqua's water and sewer rates allowed as the result of this proceeding.

Because the Watershed Association has a justiciable interest and also has members with a justiciable interest which may be adversely affected by the outcome of this proceeding, the Watershed Association's motion to intervene as a party should be granted.

b. The Woodcreek POA has standing to intervene.

The Woodcreek POA is a non-profit corporation, with a voting membership that includes every person or entity who owns any lot in the Woodcreek North, Woodcreek Phase II, and Eagle Rock neighborhoods located in Hays County, Texas. The Woodcreek POA is a customer of Aqua within Aqua's Water CCN No. 13254 and Sewer CCN No. 21116 in its Southwest Region. The service address of the Woodcreek POA is: 106 Pleasant Valley Rd., P.O. Box 1026, Wimberley, TX 78676. The Woodcreek POA is directly affected by the issues raised in this proceeding, because it will have to pay the water and sewer rates authorized as a result of its outcome.

The Woodcreek POA also has members who will be affected. Included in **Attachment B** is the name and service address of member and POA President, Connie Valentin, who is a retail water and wastewater utility customer of Aqua outside the corporate limits of any municipality. This member is directly affected by the issues raised in this proceeding and its outcome, because she will have to pay Aqua's water and sewer rates that are authorized as the result of this proceeding.

Because the Woodcreek POA has a justiciable interest and also has at least one member with a justiciable interest which may be adversely affected by the outcome of this proceeding, the Woodcreek POA's motion to intervene as a party should be granted.

c. TESPAs has standing to intervene

TESPA is a 501(c)(3) non-profit, membership organization whose purpose is to protect the Trinity and Edwards aquifers, the springs that flow from this interconnected system, and protect these waters for the people and wildlife who use and depend on them. As a part of this purpose, TESPAs works to increase public awareness of environmental issues in and around the Hill Country springs. TESPAs has members who will be affected by the issues raised in this proceeding. Included in **Attachment C** are the names and service addresses of TESPAs members who are retail water and wastewater utility customers of Aqua outside the corporate limits of any municipality. These members are directly affected by this proceeding and its outcome, because they will have to pay Aqua's water and sewer rates that are authorized as the result of this proceeding.

Because TESPAs has at least one member with a justiciable interest which may be adversely affected by the outcome of this proceeding, TESPAs's motion to intervene should be granted.

III. THE INTERVENORS REQUEST ALIGNMENT AND DESIGNATE A REPRESENTATIVE

Intervenors have the same positions on issues of fact and law in this matter, and therefore, wish to be aligned in order to avoid unnecessary duplication of effort. Pursuant to 16 TAC § 22.105, the Intervenors request that the administrative law judge order alignment and designate the Watershed Association's legal counsel as the representative of the aligned parties as follows:

Lauren Ice
Perales, Allmon & Ice, P.C.
1206 San Antonio Street, Austin, Texas 78701
512-469-6000 (t) | 512-482-9346 (f)
lauren@txenvirolaw.com

IV. PRAYER

For the reasons stated above, the Watershed Association, the Woodcreek POA, and TESPA respectfully request that this motion to intervene be granted and that the Intervenors be named as parties in the above-captioned case.

Respectfully submitted,

/s/ Lauren Ice

Lauren Ice

State Bar No. 24092560

lauren@txenvirolaw.com

PERALES, ALLMON & ICE, P.C.

1206 San Antonio Street

Austin, Texas 78701

512-469-6000 (t) | 512-482-9346 (f)

Counsel for the Watershed Association

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document will be provided to all parties of record via electronic mail in accordance with the Second Order Suspending Rules, on November 21, 2023.

/s/ Lauren Ice

Lauren Ice

ATTACHMENT A

The Watershed Association Members

	Member Name	Member Address Where Service is Received
1.	DuAnne Redus Nebeker	33 Creekside Dr. Wimberley, TX 78676 (also a member of Woodcreek POA)
2.	Brian Hummel and Alyssa Lytle	49 Crazy Cross Rd. Wimberley, TX 78676 (also a member of Woodcreek POA)

ATTACHMENT B

The Woodcreek Property Owners Association Member

	Member Name	Member Address Where Service is Received
1.	Connie Valentin, Woodcreek POA President	12 Indian Princess Wimberley, TX 78676

ATTACHMENT C

Trinity Edwards Springs Protection Association Members

	Member Name	Member Address Where Service is Received
1.	Jennifer Knight	14 Cypress Fairway Village Wimberley, TX 78676 (also a member of the Watershed Association)
2.	Michael Gatto	13 Cypress Fairway Village Wimberley, TX 78676 (also a member of the Watershed Association)