



Control Number: 42944



Item Number: 39

Addendum StartPage: 0

DOCKET NO. 42944

2014 DEC -5 AM 10:29
FILED

APPLICATION OF THE CITY OF § PUBLIC UTILITY COMMISSION
THRALL TO AMENDS A §
CERTIFICATE OF CONVENIENCE § OF
IN WILLIAMSON COUNTY (36627- §
C) § TEXAS

STAFF'S RESPONSE TO ORDER NO. 2

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Response to Order No. 2 and would show the following:

I. BACKGROUND AND DISCUSSION

On January 28, 2010, the City of Thrall (Thrall) filed with the Texas Commission on Environmental Quality (TCEQ) an application to amend a Certificate of Convenience and Necessity No. 13036 in Williamson County pursuant to TEX. WATER CODE ANN. §§ 13.242 thru 13.250 and 30 TEX. ADMIN. CODE §§ 291.101 thru 291.107.¹ The application was received by the Commission on September 5, 2014. In Order No. 2, the Administrative Law Judge (ALJ) required comments on the status of this application by December 5, 2014. Therefore, this pleading is timely filed.

Thrall provided notice of the application and received hearing requests from two affected parties. The matter was referred to the State Office of Administrative Hearings (SOAH) and a preliminary hearing was held at SOAH on January 5, 2011 where, aside from the TCEQ, NOACK WSC and Stiles Farm were named as parties. The parties engaged in settlement negotiations for a protracted period of time and initiated formal discovery when settlement seemed unlikely. However, the parties reached a settlement on October 11, 2012, and SOAH remanded the case TCEQ for further processing on October 23, 2012. For reasons unknown to Staff, a final order from TCEQ

¹ Currently P.U.C. SUBST. Rs. §§ 24.101 thru 24.107.

cannot be found. Staff recently contacted Thrall and Thrall committed to working with Staff to locate TCEQ's final order or draft a new proposed final order.

II. RECOMMENDATION

Staff recommends that the parties and Staff work together to locate or draft a final order. However, Staff intends to file a further recommendation or a Motion to Dismiss for Failure to Prosecute pursuant to P.U.C. PROC. R. 22.181(a)(1)(F) on February 6, 2015 if no progress is made by that time.

III. CONCLUSION

Staff requests the ALJ issue an order consistent with the above recommendations.

DATE: December 5, 2014

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 5, 2014 in accordance with P.U.C. Procedural Rule 22.74.

Doug Brown *up/permission*
Douglas M. Brown
Steph May