



Control Number: 43585



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House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
Legislature, Regular Session, transferred the functions  
relating to the economic regulation of water and sewer  
utilities from the TCEQ to the PUC effective  
September 1, 2014

43585

**SOAH DOCKET NO. 582-02-3056**

**IN THE MATTER OF THE  
APPLICATIONS OF THE CITY OF  
AUSTIN FOR A WATER  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY (NO. 33562- C) AND  
A WASTEWATER CERTIFICATE OF  
CONVENIENCE AND NECESSITY  
(NO. 33563-C)**

**APPLICATIONS OF HORNSBY  
BEND UTILITY COMPANY  
TO AMEND CERTIFICATES  
OF CONVENIENCE AND  
NECESSITY NOS. 11978 AND 20650**

**BEFORE THE STATE OFFICE**

OF

## ADMINISTRATIVE HEARINGS

**ORDER NO. 13**  
**PARTIALLY GRANTING MOTION TO SEVER AND REMAND**  
**PORTIONS OF THE CITY OF AUSTIN'S APPLICATIONS**

After review of the City of Austin's motion to sever and remand portions of its applications, and after consideration of the arguments and briefs filed, the ALJ finds that the motion should be granted in part as follows:

The areas in both the City's water and sewer applications that are south of the Colorado River are hereby severed from the remainder of this proceeding. Hornsby Bend is dismissed as a party to this severed proceeding, and the severed proceeding is remanded to the Executive Director as an uncontested item pursuant to Section 80.101 of the Commission's rules. This action is taken based on Hornsby Bend's admission that it will not be negatively affected if the City is granted water and sewer CCNs for this area.

The motion to sever and remand is denied with respect to the northern service area. Hornsby Bend has made no such admissions with respect to this area and it has previously been determined to have standing to proceed in this matter. The ALJ finds that, as an adjoining utility with a potential desire to grow to the north as the need arises, Hornsby Bend continues to have standing to participate as a party with respect to this area. The ALJ notes, however, that some of the requested northern service area appears to be beyond any realistic expectations of growth for Hornsby Bend. Toward this end, the parties are encouraged to attempt to identify any portion of the requested northern service area that could be severed and remanded by agreement.

**SIGNED on this the 25th day of July, 2003.**

STATE OFFICE OF ADMINISTRATIVE HEARINGS

**KERRY SULLIVAN**  
**ADMINISTRATIVE LAW JUDGE**

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## FAX TRANSMITTAL

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PAGES:	(Including this Page) 2

SOAH Docket No. 582-02-3056; TNRCC Docket No. 2002-0189-UCR; City of Austin

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