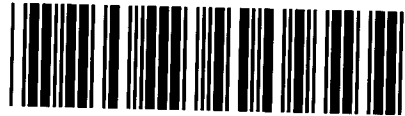


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<b>APPLICATION OF THE CITY OF THREE RIVERS TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY IN LIVE OAK COUNTY (37900-C)</b>	§ § § § §	2015 OCT -8 AM 10:02 <b>PUBLIC UTILITY COMMISSION</b> PUBLIC UTILITY COMMISSION FILING CLERK <b>OF TEXAS</b>
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**COMMISSION STAFF'S RESPONSE TO ORDER NO. 6 – RECOMMENDATION ON  
NEW PROCEDURAL SCHEDULE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Response to Order No. 6 – Recommendation on New Procedural Schedule. In support thereof, Commission Staff shows the following:

**I. BACKGROUND**

On April 25, 2014, the City of Three Rivers filed with the Texas Commission on Environmental Quality (TCEQ) an application to amend a water certificate of convenience and necessity in Live Oak County. Subsequently, on June 24, 2014, the Water Supply Division of TCEQ filed a notice of deficiency regarding this application. Effective September 1, 2014, functions relating to the economic regulation of water and sewer utilities transferred from the TCEQ to the Commission.<sup>1</sup> On January 6, 2015 the administrative law judge (ALJ) issued Order No. 2 requiring Commission Staff to file an update on the status of this proceeding and propose a procedural schedule, if necessary, by February 10, 2015. On February 10, 2015, April 20, 2015, and June 17, 2015 Commission Staff filed comments on the application recommending the application be found not administratively complete because of material deficiencies. Order Nos. 3, 4, and 5 found the application administratively incomplete and deficient. Thereafter, on July 21, 2015, Commission Staff recommended the application be found administratively complete and recommended the City of Three Rivers be ordered to provide proper notice. On July 24, 2015, the ALJ found the application to be administratively complete and ordered the City of Three Rivers to provide the Commission with Affidavits of Notice, a copy of the actual notice issued with the accompanying map, and the published notice by August 25, 2015. Order No. 6 also established October 13, 2015 as the deadline for Commission Staff to request a hearing, file

<sup>1</sup> See House Bill (HB) 1600 and Senate Bill (SB) 567, the 83rd Legislature.

a recommendation on final disposition, or recommend an additional procedural schedule. Therefore, this pleading is timely filed.

## **II. STAFF'S RECOMMENDATION REGARDING AN ADDITIONAL PROCEDURAL SCHEDULE**

On August 17, 2015, the City of Three Rivers responded to Staff's comments and provided: (1) a publisher's affidavit listing that notice was published in the *Progress*, a newspaper of general circulation in Live Oak County, on August 5, 2015; (2) a copy of the notice published in the *Progress*, appearing in the form of a receipt from Beeville Publishing Co., Inc.; (3) an Affidavit of Notice to Neighboring Utilities, Landowners, and Affected Parties, stating that notice was provided on August 4, 2015 to the attached list of district's, utilities, and cities; (4) a list of district's, utilities, and cities within two miles of the proposed service area; and (5) a copy of Notice to Neighboring Systems, Landowners and Cities, addressed to Nueces River Authority on August 4, 2015, including a copy of the proposed map. On September 30, 2015, the City of Three Rivers provided Commission Staff additional information regarding notice, which the City of Three Rivers is currently in the process of filing at the Commission. On October 6, 2015, Commission Staff submitted requests for information (RFIs) to the City of Three Rivers. Pursuant to 16 Tex. Admin. Code § 22.144(c)(1) (TAC), "[t]he party upon whom a request is served shall serve a full written response to the request within 20 days after receipt of the request." In order to allow sufficient time for the City of Three Rivers to respond to Commission Staff's RFIs, Commission Staff requests the following procedural schedule be adopted:

Deadline for the City of Three Rivers to respond to Commission Staff RFIs 1-1 to 1-6	20 days after the RFI was received – October 26, 2015.
Deadline for Commission Staff to request a hearing or to file a recommendation on final disposition or recommend an additional procedural schedule	December 9, 2015

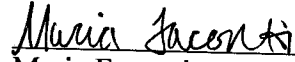
## **III. CONCLUSION**

Staff respectfully requests that the ALJ issue an order adopting Commission Staff's proposed procedural schedule.

**Dated: October 8, 2015**


Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director-Legal Division

  
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Maria Faconti  
Attorney-Legal Division  
State Bar No. 24078487  
(512) 936-7235  
(512) 936-7268 (facsimile)  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

**DOCKET NO. 44028**  
**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on the 8<sup>th</sup> of October, 2015, in accordance with 16 TAC § 22.74.

  
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Maria Faconti