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**DOCKET NO. 44028**

**APPLICATION OF THE CITY OF  
THREE RIVERS TO AMEND A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY IN LIVE OAK COUNTY  
(37900-C)**

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**PUBLIC UTILITY COMMISSION**

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**COMMISSION STAFF'S RESPONSE TO ORDER NO. 8  
AND PROPOSED NEW PROCEDURAL SCHEDULE**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Commission Staff's Response to Order No. 8 and Proposed New Procedural Schedule. In support thereof, Staff shows the following:

**I. BACKGROUND**

On April 25, 2014, the City of Three Rivers (Applicant) filed an application to amend its water certificate of convenience and necessity (CCN) in Live Oak County, Texas with the Texas Commission on Environmental Quality (TCEQ). The application was received by the Public Utility Commission of Texas (Commission) on January 2, 2015.

In Order No. 8, issued December 7, 2015, the Commission administrative law judge (ALJ) ordered Staff to file a recommendation on the amended application or request a new procedural schedule by January 8, 2016. This pleading is therefore timely filed.

**II. NEW PROCEDURAL SCHEDULE**

Pursuant to 16 Tex. Admin. Code (TAC) § 22.4(b), Staff may request that the time allowed for filing any documents be extended for good cause. Staff has not received responses from the Applicant to Staff's Third Request for Information (Staff's 3<sup>rd</sup> RFI). Pursuant to 16 TAC § 22.144(c)(1), the Applicant's responses to Staff's 3<sup>rd</sup> RFI were due on December 29, 2015, twenty days after Applicant's receipt of the request. Staff has communicated with the Applicant and understands that the Applicant has not yet received bids from contractors, which the Applicant needs in order to compile a work cost estimate that is responsive to the RFI. Staff has agreed to accept a late submission of the Applicant's responses by January 20, 2016, pending approval of the below proposed new procedural schedule. Because of this late response, Staff will require additional time to review the RFI responses before filing a recommendation on final disposition.

Therefore, Staff respectfully requests that the ALJ find good cause to extend Staff's deadline to file a recommendation by thirty-one days to Monday, February 8, 2016 and adopt the below revised procedural schedule:

<b>Event:</b>	<b>Date:</b>
Agreed-upon, revised deadline for the City of Three Rivers to respond to Commission Staff RFI 3-1	January 20, 2016
Deadline for Commission Staff to request a hearing or to file a recommendation on final disposition or recommend an additional procedural schedule	February 8, 2016

Staff has communicated with the Applicant and is authorized to represent that the Applicant does not oppose Staff's proposed new procedural schedule.

### **III. CONCLUSION**


For the reasons stated above, Staff respectfully requests the entry of an order adopting Staff's proposed new procedural schedule and extending Staff's deadline to file a recommendation on the amended application or to request a new procedural schedule to February 8, 2016.

Dated: January 7, 2016

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Katherine Lengieza Gross  
Managing Attorney  
Legal Division



Matthew Arth  
Attorney-Legal Division  
State Bar No. 24090806  
(512) 936-7021  
(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 January 7, 2016,  
in accordance with 16 TAC § 22.74.



Matthew Arth