



Control Number: 44333



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**DOCKET NO. 44333**

**APPLICATION OF THE CITY OF  
DEKALB TO AMEND A  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN BOWIE  
COUNTY**

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§

**PUBLIC UTILITY COMMISSION**

**OF TEXAS PUBLIC UTILITY COMMISSION  
FILING CLERK**

2015 NOV 17 AM 10:08

**RESPONSE TO ORDER NO. 5**

**STAFF'S THIRD RECOMMENDATION ON SUFFICIENCY OF NOTICE ISSUED**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Response to Order No. 5 and would show the following:

**I. BACKGROUND**

On January 16, 2015, City of DeKalb (DeKalb) filed with the Commission an application (Application) to amend its water certificate of convenience (CCN) in Bowie County, Texas pursuant to Tex. Water Code §§ 13.242-50 (TWC) and Title 16 Tex. Admin. Code (TAC) §§ 24.101-07 (TAC). DeKalb seeks to amend its CCN to extend its service area as a result of the need for water service in the proposed area.

In Order No. 3, the Administrative Law Judge (ALJ) deemed the Application administratively complete and instructed the Applicant to submit proof of notice. Order No. 4, issued on July 21, 2015, instructed the Applicant to reissue notice and allowed it until August 20, 2015 to provide proof of the reissued notice. The Applicant filed notice documents on August 21, 2015. Order No. 5 allowed the Applicant until October 15, 2015 to file supplemental notice documents and allowed Staff until November 17, 2015 to file a supplemental procedural schedule, request a hearing, or make a final recommendation. Therefore, this pleading is timely filed.

**II. RECOMMENDATION ON SUFFICIENCY OF NOTICE ISSUED**

Staff recommends that the Applicant remains deficient. The Applicant has not filed a response to Order No. 5. Staff recommends the Applicant respond to Order No. 5 to cure the noted deficiencies or face potential dismissal of the Application

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### III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Deadline for DeKalb to resubmit affidavits of notice and the actual notice issued.	December 1, 2015
Deadline to intervene, file comments, or request a hearing	30 days after notice is issued
Deadline for Staff to file a recommendation, request for hearing, and/or an additional procedural schedule	January 7, 2015

Staff notes that customers have the ability to opt out of a CCN request.<sup>1</sup> In the event customers wish to opt out of the CCN, additional procedures may be needed before Staff may make a recommendation. Additionally, in the event Staff were to recommend final approval of the CCN amendment, Staff's ability to meet the above deadline is driven in part by Staff's receipt of consent to final mapping from Applicant. Therefore, Staff's proposed procedural schedule allows Staff the opportunity to either file a recommendation after the customer comment period or recommend an additional procedural schedule.

### IV. CONCLUSION

Staff respectfully requests the entry of an order consistent with the above recommendations.

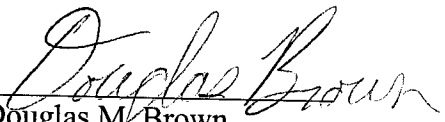
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<sup>1</sup> 16 TAC § 24.102(h).

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

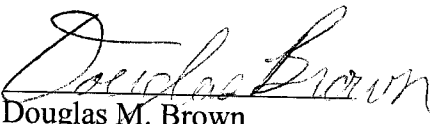
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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on or before November 17, 2015 in accordance with 16 TAC § 22.74.

  
Douglas M. Brown