



Control Number: 44333



Item Number: 19

Addendum StartPage: 0

DOCKET NO. 44333

RECEIVED

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

§
§
§
§
§

PUBLIC UTILITY COMMISSION

OF TEXAS
FILING CLERK

RESPONSE TO ORDER NO. 6

STAFF'S FOURTH 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. 6. In support thereof, Staff 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. 6 allowed the Applicant until December 1, 2015 to file supplemental notice documents and allowed Staff until January 7, 2016 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 notice remains deficient. The Applicant has not filed a response to Order No. 6. However, Staff spoke with a representative of the Applicant on January 6, 2015, who claims the Applicant is working to cure the previously noted notice deficiencies as soon as possible. Staff recommends the Applicant be allowed one more opportunity to cure the deficiencies.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Deadline for DeKalb to resubmit affidavits of notice and the actual notice issued.	February 5, 2016
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, additional procedural schedule, or motion to dismiss.	March 14, 2016

Staff notes that customers have the ability to opt out of a CCN request.¹ 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

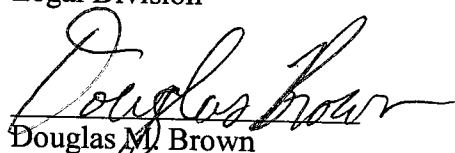
Staff respectfully requests the entry of an order consistent with the above recommendations.

¹ 16 TAC § 24.102(h).

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division

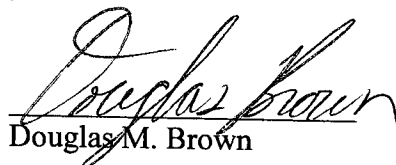


Douglas M. Brown
Attorney-Legal Division
State Bar No. 24048366
(512) 936-7203
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 44333

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on or before January 6, 2016 in accordance with 16 TAC § 22.74.


Douglas M. Brown