



Control Number: 44333



Item Number: 44

Addendum StartPage: 0

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

PUBLIC UTILITY COMMISSION

OF TEXAS

PUBLIC UTILITY COMMISSION  
FILING CLERK

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### COMMISSION STAFF'S RECOMMENDATION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Recommendation. 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.

Staff discovered that the Applicant may be in violation of the rules of the Texas Commission on Environmental Quality (TCEQ). In an attempt to resolve any problems, Staff issued requests for information (RFIs) on June 23, 2016. The Applicant filed responses to those requests on July 14, 2016. The Applicant stated that it was requesting an Alternative Capacity Request from TCEQ and further stated it had requested an extension of time from the Commission. Order No. 14 allowed the Applicant until August 15, 2016 to file a status update on its request from TCEQ and propose a reasonable timeline to have the TCEQ request completed.

In Order No. 14, the Administrative Law Judge (ALJ) allowed Staff until September 1, 2016 to make a supplemental recommendation.

#### II. RECOMMENDATION

The Applicant timely filed a response stating that it would need roughly three months to obtain TCEQ approval if needed. Therefore, Staff proposes that the Applicant file a status update by December 1, 2016, and that Staff file a supplemental recommendation by December 21, 2016.

If the ALJ determines that the proposed timeline is too protracted, Staff would not oppose an alternative schedule or dismissal of the Application.

### **III. CONCLUSION**

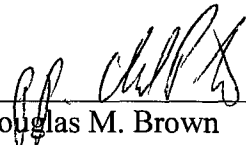
Staff respectfully requests the entry of an order consistent with the above recommendation and request.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

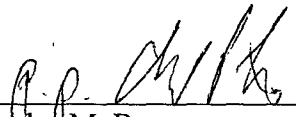
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**DOCKET NO. 44333**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on September 1, 2016 in accordance with 16 TAC § 22.74.

  
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Douglas M. Brown