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DOCKET NO. 44333

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

PUBLIC UTILITY COMMISSION

OF TEXAS

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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. 15 allowed the Applicant until December 1, 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. 15, the Administrative Law Judge (ALJ) allowed Staff until December 21, 2016 to make a supplemental recommendation.

II. RECOMMENDATION

The Applicant recently provided Staff with a status update stating that it would need additional time. Because of a filing error, that status update has not yet been filed in AIS but

Applicant stated that it would be shortly. Therefore, Staff proposes that the Applicant file a status update by January 30, 2017, and that Staff file a supplemental recommendation by February 21, 2017. 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

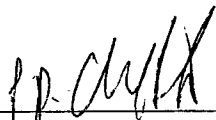
Staff respectfully requests the entry of an order consistent with the above recommendation and request.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

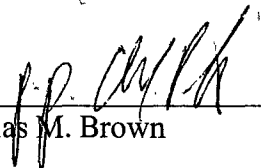


Douglas M. Brown
State Bar No. 24048366
(512) 936-7203
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 19, 2016 in accordance with 16 TAC § 22.74.



Douglas M. Brown