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DOCKET NO. 44333

RECEIVED

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

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PUBLIC UTILITY COMMISSION
FILING CLERK

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. Although the Applicant had communicated with Staff by that time, its status update was not properly filed until December 20, 2016, a day after Staff filed its most recent recommendation.

In Order No. 16, the Administrative Law Judge (ALJ) allowed Staff until January 6, 2016 to comment on the Applicant's December 20th filing and make a supplemental recommendation.

II. RECOMMENDATION

The Applicant's December 20th status update explained that it would need at least six more months to determine if capacity needs could be met. Because the Applicant continues to work with Staff, the TCEQ, and its water supplier to resolve deficiencies that have thus far prevented Staff from recommending approval of the Application, Staff recommends that the Applicant timely file a status update every 30 days beginning on February 6, 2017. Staff further proposes that it be allowed to file a supplemental recommendation on April 6, 2017. However, Staff acknowledges that this case has gone on for a long while and the additional time requested by the Applicant is protracted and uncertain. Therefore, if the ALJ finds the proposed procedural schedule untenable, Staff would not object to dismissal without prejudice.

III. CONCLUSION

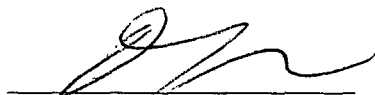
Staff respectfully requests the entry of an order consistent with the above recommendation and request.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

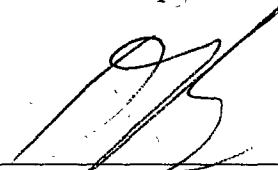
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 6, 2017 in accordance with 16 TAC § 22.74.



Douglas M. Brown