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

PUBLIC UTILITY COMMISSION

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OF TEXAS

PUBLIC UTILITY COMMISSION
FILING CLERK

ORDER NO. 17
ESTABLISHING DEADLINE FOR CITY OF DEKALB

This Order addresses Commission Staff's January 6, 2017 comments on the City of DeKalb's (DeKalb or the City) December 20, 2016 status update and further processing of this application. In its status update, DeKalb stated that an alternate capacity request (ACR) was filed with the Texas Commission on Environmental Quality (TCEQ) on November 2, 2016.¹ In the ACR, DeKalb requested TCEQ approval of a reduced capacity requirement for its water system; from 599 gallons per minute (gpm) to 438 gpm.² However, the City's current contract allotment from its water supplier, the City Texarkana (Texarkana), is for 292 gpm.³ Therefore, TCEQ approval of DeKalb's ACR alone will not address TCEQ's capacity requirement for the City's water system.⁴

Accordingly, DeKalb requested an increase to its contracted allotment from Texarkana.⁵ Based on DeKalb's request, Texarkana has initiated a hydraulic model of its system to determine if they can meet DeKalb's request for additional supply.⁶ DeKalb indicated that it will take Texarkana about 6 months to complete its study.⁷

Commission Staff stated that DeKalb continues to work with TCEQ and Staff, but that the City's capacity needs prevent Staff from recommending approval of the application.⁸ Therefore, Commission Staff recommended requiring the City to file a status update every 30 days beginning

¹ Status Update at 1 (Dec. 20, 2016).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Commission Staff's Recommendation at 2 (Jan. 6, 2017).

February 6, 2017, and that Commission Staff be allowed to file a supplemental recommendation on April 6, 2027.⁹ However, Commission Staff also acknowledged that this application has gone on for a long while and that the proposed additional time was protracted and uncertain.¹⁰ Therefore, Commission Staff stated that it would not object to dismissal without prejudice.¹¹

Commission Staff is correct, this application has gone on for a long while. It was deemed administratively complete in April 2015 and notice was deemed sufficient in May 2016. Further, the deadlines proposed by Commission Staff are protracted and uncertain. Although it appears that DeKalb has been prosecuting this application as diligently as possible and resolution of the ACR issue with TCEQ is anticipated soon, the request to Texarkana to increase capacity introduces a new set of issues. Therefore, it appears dismissal may be appropriate. However, before an order dismissing this application will be issued, DeKalb is given an opportunity to respond. On or before **January 20, 2017**, DeKalb may respond to the possible dismissal of this application. Failure to respond will result in dismissal.

SIGNED AT AUSTIN, TEXAS the 12th day of January 2017.

PUBLIC UTILITY COMMISSION OF TEXAS



SUSAN E. GOODSON
ADMINISTRATIVE LAW JUDGE

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*