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APPLICATION OF THE CITY OF §  
BELTON TO AMEND A SEWER §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY IN BELL COUNTY. §

PUBLIC UTILITY COMMISSION

OF TEXAS

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**COMMISSION STAFF'S CLARIFICATION OF INFORMATION**

COMES NOW, the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files these clarifying comments on the Joint Motion to Admit Evidence and Proposed Notice of Approval. In support thereof, Staff would show the following:

**I. BACKGROUND**

On April 16, 2015, the City of Belton (Belton) filed with the Commission an application to amend its sewer certificate of convenience and necessity (CCN) No. 20444 in Bell County, Texas. On October 20, 2016, Commission Staff filed a Joint Motion to Admit Evidence and Proposed Notice of Approval. Order No 14, issued November 29, 2016, requested clarification regarding the consent of the Brazos River Authority (BRA) and regarding the evidence submitted for admission on or before December 9, 2016. This pleading is therefore timely filed.

**II. BRAZOS RIVER AUTHORITY CONSENT**

A letter of consent is not required from BRA in order to recommend approval of this application. While the application does overlap with BRA's boundaries, BRA does not provide retail water service. In addition BRA has represented by email that it has no objection to Belton amending its sewer CCN No. 20444 and that it generally does not have an interest in these types of applications, citing support of the pending rule change allowing for discretionary consent after notice.

### **III. EVIDENCE**

While the application has been amended numerous times, the majority of the changes involved new mapping data. However, Staff has added two new items to be admitted, (c) and (g). Belton is unopposed to this addition. Staff moves to admit the following into the record evidence of this proceeding:

- (a) The City's Application, filed on, entered April 16, 2015;
- (b) The City of Belton's development agreement with Bell County Mud No. 1, filed on August 7, 2016.
- (c) Order No. 6, finding the application administratively complete and establishing a procedural schedule, filed on October 5, 2016
- (d) The affidavit dated October 12, 2015, attesting to notice mailed October 7, 2015 and filed on October 28, 2015;
- (e) Publisher's affidavits dated October 23, 2015, filed on October 28, 2015;
- (f) Letter of consent filed from Bell County MUD No. 1, filed on May 4, 2016;
- (g) Mapping details and descriptions filed on June 29, 2016.
- (h) The City's consent form to the map and certificate transmitted on September 22, 2016 and filed on September 27, 2016;
- (i) Commission Staff's recommendation that Application be approved, filed October 12, 2016.

### **IV. CONCLUSION**

Staff respectfully requests that the Commission grant the Motion to Admit Evidence, and adopt the Joint Proposed Notice of Approval.

Dated: December 9, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

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**DOCKET NO. 44646  
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on December 9, 2016 in accordance with 16 TAC § 22.74.



Alexander Petak