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DOCKET NO. 45489

APPLICATION OF CITY OF  
GREGORY TO OBTAIN  
CERTIFICATES OF CONVENIENCE  
AND NECESSITY IN SAN PATRICIO  
COUNTY

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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 response to Order No. 16 and would show the following:

#### I. BACKGROUND

On December 31, 2015, the City of Gregory (Gregory) filed an application with the Public Utility Commission of Texas (Commission) to obtain new water and sewer certificates of convenience and necessity (CCN) in San Patricio County, Texas. Gregory seeks to acquire CCNs for the area within its extraterritorial jurisdiction (ETJ).

On February 15, 2018, Staff filed its third motion to dismiss the application under 16 Texas Administrative Code (TAC) § 22.181(d)(6)<sup>1</sup> for failure to prosecute, due primarily to Gregory's failure to provide information and supporting documentation necessary for Staff review of the application.<sup>2</sup> On February 21, March 6, and April 24, 2018, Gregory filed supplemental information and supporting documentation. On April 12, 2018, Order No. 16 was issued, establishing a deadline of April 27, 2018, for Staff to file a recommendation regarding Gregory's latest filings. This pleading is therefore timely filed.

#### II. RECOMMENDATION

Staff has reviewed Gregory's February 21 and March 6 filings and is in discussions with Gregory regarding questions that have arisen in the course of that review, particularly questions regarding the need for service in portions of Gregory's requested CCN area. However, given the

<sup>1</sup> The Commission has amended 16 TAC § 22.181 effective January 5, 2017. A provision analogous to the one cited is located in § 22.181(a)(1)(F) of the version of § 22.181 that was in effect when Gregory originally filed its application on December 31, 2015.

<sup>2</sup> See Commission Staff's Third Motion to Dismiss (Feb. 15, 2018).

deadline for this recommendation, Staff requires additional time to review Gregory's April 24 filing. In order for Staff to complete its review of Gregory's April 24 filing, complete its ongoing discussions with Gregory, and formulate a comprehensive recommendation that takes into account information contained in Gregory's most recent filing, Staff recommends that a deadline of May 18, 2018, be established for Staff to make a supplemental recommendation and, if necessary, propose a procedural schedule for further processing of this application.

### **III. CONCLUSION**

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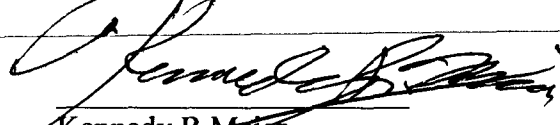
For the reasons detailed above, Staff requests that a deadline of May 18, 2018, be established for Staff to complete its review of Gregory's most recent filing, file a supplemental recommendation and, if necessary, propose a procedural schedule for further processing of this application.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 27<sup>th</sup> of April, 2018 in accordance with 16 TAC § 22.74.



Kennedy R. Meier