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

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PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

COMMISSION STAFF'S LIST OF ISSUES

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this List of Issues in response to an Order of Referral 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)¹ for failure to prosecute, due primarily to Gregory's failure to provide information and supporting documentation necessary for Staff review of the application.² On February 21, March 6, and April 24, 2018, Gregory filed supplemental information and supporting documentation. On May 18, 2018, Staff filed a recommendation that Gregory had not provided information demonstrating a need for service in a large portion of its requested area. Staff recommended that Gregory be given an opportunity to amend or supplement its application, and that the application be referred to the State Office of Administrative Hearings (SOAH) if Gregory failed to take action. On May 22, 2018, Gregory filed additional information supplementing its application. On June 5, 2018, Staff filed a request that this docket be referred to SOAH. On June 12, 2018, an Order of Referral was issued, referring the application to SOAH.

¹ 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.

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

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and establishing a deadline of June 21, 2018, for the filing of lists of issues to be addressed in the docket. This pleading is therefore timely filed.

II. ISSUES TO BE ADDRESSED

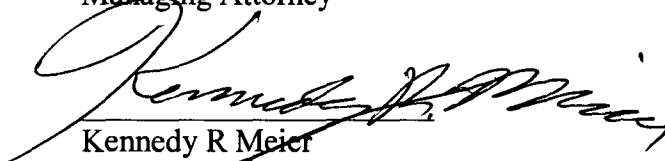
Staff recommends that the Commission adopt issues to be addressed based on the preliminary order adopted in a prior application for new water and sewer CCNs, *Application of City of Tomball to Obtain Water and Sewer Certificates of Convenience and Necessity in Harris and Montgomery Counties*, Docket No. 46336, Preliminary Order (Mar. 9, 2017).

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

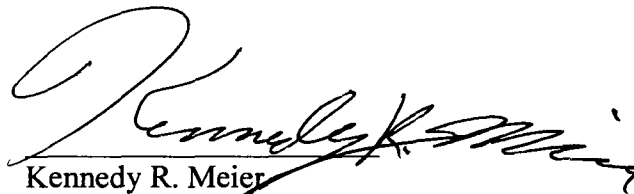


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**PUC DOCKET NO. 45489
SOAH DOCKET NO. 473-18-4178.WS**

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 20th of June, 2018 in accordance with 16 TAC § 22.74.



Kennedy R. Meier