



Control Number: 47398



Item Number: 44

Addendum StartPage: 0

DOCKET NO. 47398

**APPLICATION OF HORSESHOE BAY §
WATER UTILITY FOR A WATER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN LLANO AND §
BURNET COUNTIES §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**
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**COMMISSION STAFF'S RESPONSE TO ORDER NO. 15, REQUEST FOR
EXTENSION, AND PROPOSED AMENDED PROCEDURAL SCHEDULE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to Order No. 15, Request for Extension, and Proposed Amended Procedural Schedule. In support thereof, Staff would show the following:

I. BACKGROUND

On July 12, 2017, Horseshoe Bay Water Utility (Horseshoe Bay) filed an application to obtain new water and sewer certificates of convenience and necessity in Llano County and Burnet County. On December 22, 2017, Horseshoe Bay supplemented its application to further request cancellation of Deerhaven Inc.'s water certificate of convenience and necessity (CCN) No. 10467. The total area being requested includes 10,435 acres and 3,457 current customers.

On October 30, 2018, Staff and Horseshoe Bay (collectively, Parties) filed a Joint Motion to Admit Evidence and Proposed Order. On January 3, 2019, the Commission administrative law judge (ALJ) issued Order No. 14, granting the Joint Motion to Admit Evidence. Thereafter, on March 6, 2019, the Commission ALJ issued Order No. 15, rescinding Order No. 14, requiring the Parties to amend the motion to admit evidence filed on October 30, 2018, and requiring Staff to clarify discrepancies in the recommendation and proposed notice of approval. The ALJ established that Staff was to file the required documentation by March 29, 2019. Therefore, this pleading is timely filed.

II. RECOMMENDATION OF SUPPLEMENTAL DOCUMENTATION

In preparing a response to Order No. 15, Staff identified that the applicant, Horseshoe Bay, does not appear to be a registered entity. Rather, the correct applicant may be the municipality, the City of Horseshoe Bay. Consequently, the final maps and CCN certificates

created by Staff, and consented to by the applicant, may be inaccurate. Staff recommends that the applicant be required to provide additional documentation to accurately establish Horseshoe Bay as the proper entity, or alternatively insert the appropriate entity as the applicant.

III. REQUEST FOR EXTENSION AND PROPOSED AMENDED PROCEDURAL SCHEDULE

Based on Staff's recommendation that Horseshoe Bay provide additional documentation, Staff requests an eight-week extension, until May 24, 2019, to fully address the ALJ's clarification questions and to file both the required amended motion to admit evidence and a revised proposed notice of approval. Within the eight-week extension period, Staff recommends further deadlines to address applicant's additional entity documentation, Staff's provision of revised final maps and certificates, applicant's revised consent forms, and Staff's amended final recommendation. Staff's request would result in the following modifications to the procedural schedule:

Event	Date
Deadline for applicant to provide supporting entity documentation	April 12, 2019
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to applicant for review and consent	April 19, 2019
Deadline for applicant to file signed amended consent forms with the Commission	May 3, 2019
Deadline for Staff to file an amended final recommendation on the application	May 10, 2019
Deadline for parties to file amended motion to admit evidence and revised proposed notice of approval	May 24, 2019

IV. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the applicant provide supporting entity documentation, that the ALJ grant Staff's request for an extension, and that the accompanying proposed amended procedural schedule be adopted for further processing of the docket.

Date: March 28, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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DOCKET NO. 47398

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 28, 2019, in accordance with 16 TAC § 22.74.



Richard Nemer