



Control Number: 47795



Item Number: 108

Addendum StartPage: 0

SOAH DOCKET NO. 473-18-2486.WS

PUC DOCKET NO. 47795

**APPLICATION OF THE CITY
OF HUTTO TO AMEND A
SEWER CERTIFICATE OF
CONVENIENCE AND
NECESSITY IN WILLIAMSON
COUNTY**

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

COMMISSION STAFF'S REQUEST FOR EXTENSION OF TIME

COMES NOW the Staff of the Public Utility Commission of Texas (Staff) and the City of Hutto (Hutto) and files this Commission Staff's Request for Extension of Time and would show the following:

I. BACKGROUND

On November 21, 2017, Hutto filed an application to amend its sewer certificate of convenience and necessity number 20122, in Williamson County, Texas (Application). On February 27, 2018, the proceeding was referred to the State Office of Administrative Hearings (SOAH). On August 23, 2018, the SOAH Administrative Law Judge (SOAH ALJ) issued Order No. 5 and referred the proceeding to SOAH's Alternative Dispute Resolution Team Leader, Judge Howard S. Seitzman. On August 20, 2018, Judge Seitzman held a mediation at which Staff, Hutto, and several individuals who had protested and/or requested a contested case hearing on the Application (collectively, Parties) reached an agreement in principle that would have the effect of leaving only the Staff and Hutto as possible parties to any hearing that might be held on the Application.

On August 24, 2018, Judge Seitzman filed the Mediator's Initial Report on Mediation, reporting that the Parties had reached an agreement in principle, that the Parties were submitting the agreement to their respective principles for approval and execution, and that the mediation would remain open and assigned to the mediator pending the execution of the settlement documents. On September 6, 2018, the Hutto City Council approved the settlement terms agreed to by the Parties. The Mediator's Final Report on Mediation was filed on February 6, 2019.

On September 17, 2019, Hutto and Staff filed a Joint Request for Extension of Time, proposing a new procedural schedule that provided Hutto with additional time to respond to

Requests for Information (RFIs) propounded by Staff and adjusting the remaining procedural schedule dates accordingly.

On September 24, 2019, the SOAH ALJ issued Order No. 15, granting the motion and requiring Hutto and Staff to file (1) a status report, (2) a Joint Motion to Remand and Joint Proposed Order, or (3) a final Proposed Hearing Schedule no later than October 28, 2019. Therefore, this pleading is timely filed.

II. REQUEST FOR EXTENSION OF TIME

Pursuant to 16 TAC § 22.4(b), Staff may request that the time allowed for filing any documents be extended for good cause. Hutto and Staff's Joint Request for Extension of Time included a deadline of October 8, 2019 for Staff to file its final recommendation or to request a hearing. Hutto's response to Staff's RFIs contained a significant amount of information that Staff is diligently evaluating in order to produce its final recommendation. However, Staff requires additional time to evaluate Hutto's RFI responses and formulate its recommendation. Staff respectfully requests an extension of its October 8, 2019 to November 7, 2019, in order to allow time for Staff to complete its evaluation of Hutto's RFI responses and formulate its final recommendation. Staff has communicated with Hutto and the Parties agree to the need for the requested extension and to the proposed procedural schedule below.

III. PROCEDURAL SCHEDULE

Staff and Hutto propose the following revised procedural schedule:

| | |
|---|-------------------|
| Deadline for Staff to File a Final Recommendation or Request a Hearing | November 7, 2019 |
| Deadline for Hutto to Request a Hearing | November 21, 2019 |
| <i>If a hearing <u>is</u> requested</i> , deadline to file Joint Proposed Hearing Schedule | December 16, 2019 |
| <i>If a hearing is <u>not</u> requested</i> , deadline for Staff and Hutto to file a Joint Motion to Remand to the Commission, and a Joint Proposed Order, including Detailed Findings of Fact, corresponding Conclusions of Law and Order Paragraphs | December 16 2019 |

III. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the above recommendation.

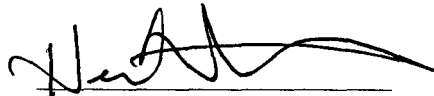
Dated: October 8, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Rachelle Nicolette Robles
Managing Attorney



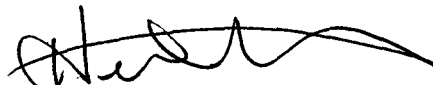
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on October 8, 2019, in accordance with 16 TAC § 22.74.



Heath D. Armstrong