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**PUC DOCKET NO. 47795
SOAH DOCKET NO. 473-18-2486.WS**



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

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PUBLIC UTILITY COMMISSION

OF TEXAS

COMMISSION STAFF'S RESPONSE TO ORDER NO. 6

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission) and files this Response to Order No. 6, and would show the following:

I. BACKGROUND

On November 21, 2017, City of Hutto (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 December 12, 2019, Staff requested an extension of time to allow Hutto to provide the additional documentation requested by Staff and for Staff to evaluate that documentation before

formulating its final recommendation by January 15, 2020. On January 14, 2020, Staff filed a request for extension of time to file its final recommendation by January 31, 2020.

On April 28, 2020, the ALJ issued Order No. 6, requiring Staff to file a list of all tracts that have agreements with Hutto, including the approximate amount of acreage for each tract, and to confirm the total approximate acreage for which a need for service has been established and the total approximate acreage of the revised requested area on or before May 4, 2020. Therefore, this pleading is timely filed.

II. STAFF'S RESPONSE

Staff has attached the document referenced as "Attachment 1" in Mr. Charles' memorandum filed with Staff's Final Recommendation on January 31, 2020. Attachment 1 provides a list of development agreements with Hutto and includes the acreage for each tract. Attachment 1 also states that the total approved development agreement acreage is approximately 9,454 acres—the acreage upon which Staff's final recommendation was partially based. However, in preparing its response to Order No. 6, Staff has identified an issue with the total acreage of the approved development agreements provided by Hutto in Attachment 1. Therefore, Staff proposes the procedural schedule below for the further processing of this docket.

III. PROCEDURAL SCHEDULE

Staff has consulted with Hutto and the parties propose the following procedural schedule:

Deadline for Staff to File a Response Regarding the Total Acreage Recommended by Staff	May 13, 2020
Deadline for Hutto to respond or Request a Hearing	May 20, 2020

III. CONCLUSION

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

Dated: May 4, 2020.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

/s/Heath D. Armstrong

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on May 4, 2020,
in accordance with 16 TAC § 22.74.

/s/Heath D. Armstrong

Heath D. Armstrong