



Control Number: 47795



Item Number: 31

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**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 §**

2018 MAR -8 PM 2:45  
**PUBLIC UTILITY COMMISSION**  
PUBLIC UTILITY COMMISSION  
**OF TEXAS**  
FILING CLERK

**CITY OF HUTTO'S LIST OF ISSUES**

COMES NOW, the City of Hutto (the “City” or “Hutto”) in the above referenced proceeding and files this List of Issues pursuant to the Order of Referral dated February 27, 2018, and in support thereof, shows the following:

**I.**  
**BACKGROUND**

On November 21, 2018, the City filed an application with the Public Utility Commission of Texas (the “Commission”) to amend its sewer certificate of convenience and necessity No. 20122 (the “Application”). Subsequently, Hutto revised its desired sewer service area and filed a motion with the Commission on February 5, 2018, requesting that the Commission extend Hutto’s applicable deadlines and adopt a revised procedural schedule. On February 7, 2018, the Commission granted Hutto’s request for an extension of time and adopted a revised procedural schedule. Hutto filed the revised service area maps on February 7, 2018. On February 21, 2018, Commission Staff filed its Recommendation on Notice, which included the notices Hutto must use and identified the entities to which Hutto must send such notices. As of this filing date, March 8, 2018, Hutto has not mailed any of the notices; therefore the intervention deadline is undetermined pursuant to 16 TEX. ADMIN. CODE § 24.106.

On February 7, 2018, Commission Advising and Docket Management (“CADM”) issued the Order of Referral, referring Hutto’s Application to the State Office of Administrative Hearings

and requiring Hutto to file a list of issues that the Commission may include in its preliminary order in this docket. The Order of Referral requires Hutto to file its list of issues by March 8, 2018. Therefore, this pleading is timely filed.

## **II. LIST OF ISSUES**

In addition to the List of Issues Commission Staff submitted on March 7, 2018, Hutto requests that the Commission include the following issues in its preliminary order:

1. Which landowner opt-out request complies with 16 TEX. ADMIN. CODE § 24.102(h) and warrants removal from Hutto's requested service area?
2. Which request to intervene in Hutto's Application to amend its sewer service area complies with 16 TEX. ADMIN. CODE § 22.103?
3. What modifications, if any, must be made to Hutto's requested sewer service area to reflect land removed from the requested area because of qualified landowner's election to exclude some or all of the landowner's property pursuant to TEX. WATER CODE §§ 13.2451(b), 13.246(h), and 16 TEX. ADMIN. CODE § 24.102(h)?
4. Does Hutto's requested sewer service area overlap with the certificated service area of other entities? If so, what specific areas will overlap? Has Hutto received appropriate consent to provide sewer service within the entities' service boundaries?
5. Has Hutto given notice in compliance with TEX. WATER CODE § 13.246 and 16 TEX. ADMIN CODE § 24.106?

This list of issues is not meant to be exhaustive and the parties and Administrative Law Judge are free to raise or address other relevant issues as each deem necessary, subject to applicable rules and regulations.

**II.**  
**ISSUES NOT TO BE ADDRESSED AND**  
**THRESHOLD LEGAL AND POLICY ISSUES**


In the Order of Referral, CADM additionally stated that Hutto may identify any issues that should not be addressed in this docket and any threshold legal and policy issues that should be briefed. Hutto has not identified any issues that do not need to be addressed nor has Hutto identified any threshold legal and policy issues that warrant briefing.

**III.**  
**CONCLUSION & PRAYER**

WHEREFORE, PREMISES considered, for all the foregoing reasons, the City of Hutto respectfully requests that the Commission adopt a preliminary order with the above issues to be addressed.

Respectfully submitted,

MCGINNIS LOCHRIDGE




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**ATTORNEYS FOR CITY OF HUTTO, TEXAS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument will be served in accordance with SOAH Order No. 1 in this proceeding.

A handwritten signature in black ink that reads "Morgan Johnson". The signature is written in a cursive style with a large, stylized 'M' and 'J'.

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Morgan Johnson