



Control Number: 47795



Item Number: 46

Addendum StartPage: 0

2018 APR -5 PM 12: 57

OPEN MEETING COVER SHEET

MEETING DATE: April 12, 2018

DATE DELIVERED: April 5, 2018

AGENDA ITEM NO.: 1

CAPTION: 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

ACTION REQUESTED: Discussion and possible action with respect to Supplemental Preliminary Order

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46

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
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Governor

John Paul Urban
Executive Director

Public Utility Commission of Texas

TO: Chairman DeAnn T. Walker
Commissioner Arthur C. D'Andrea

All Parties of Record

FROM: John Kramer 
Commission Advising

RE: *Application of the City of Hutto to Amend a Sewer Certificate of Convenience and Necessity*, Docket No. 47795, SOAH Docket No. 473-18-2486.WS, Draft Supplemental Preliminary Order, 4/12/18 Open Meeting, Item No. 1.

DATE: April 5, 2018

Please find enclosed the draft supplemental preliminary order filed by Commission Advising in the above-referenced docket. The Commission will consider this draft supplemental preliminary order at the April 12, 2018 open meeting. Parties shall not file responses or comments addressing this draft supplemental preliminary order.

Any modifications to the draft supplemental preliminary order that are proposed by one or more Commissioners will be filed simultaneously prior to the consideration of the matter at the April 12, 2018 open meeting.

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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	§ § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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DRAFT SUPPLEMENTAL PRELIMINARY ORDER

The City of Hutto filed an application for an amended sewer certificate of convenience and necessity (CCN) in Williamson County. The Commission previously issued a preliminary order in this docket identifying issues that must be addressed.¹ This supplemental preliminary order both clarifies the scope of the issues that the Commission raised in the preliminary order and adds additional issues.

The applicant requests an amended sewer CCN. The total service area originally requested included approximately 15,648 acres. The applicant appears to have modified its original request by filing a set of revised maps² that show less acreage than its original request. The applicant did not describe the precise amount of the reduction nor whether the revised maps are an amendment or correction to its application. The requested service area consists partially of twelve, non-contiguous parcels for which the applicant has provided some preliminary information regarding possible development within some of these parcels. These twelve parcels did not appear to change in the revised maps. The majority of the requested area lies outside these twelve parcels, and the applicant has not provided specific information regarding future development for this portion of the requested area.

In order to clarify the scope of the issues stated in the preliminary order, the Commission finds that the list of issues in its preliminary order applies to the entirety of the applicant's requested service area, notwithstanding the applicant's division of a small portion of the requested area into parcels intended for impending development.

¹ Preliminary Order (Mar. 29, 2018).

² City of Hutto, Revised Map Set, (Feb. 7, 2018).

I. Issues to be Addressed

The Commission must provide to the administrative law judge (ALJ) a list of issues or areas to be addressed in any proceeding referred to the State Office of Administrative Hearings (SOAH).³ In addition to the issues identified in the March 29, 2018 preliminary order, the Commission identifies the following issues that must be addressed in this docket:

1A. What specific areas is the applicant seeking to include within its certificated service area?

12A. For the remainder of the requested area outside of the 12 parcels of land identified by the applicant, please answer the following:

- a. Has any portion of the remainder of the requested area been platted?
- b. Has a development agreement been reached regarding the development of any portion of the remainder of the requested area?
- c. Are there any current timetables for when development of any portion of the remainder of the requested area will actually begin? If not, when does the applicant contemplate development occurring?
- d. Is any portion of the remainder of the requested area within the municipal limits or the extraterritorial jurisdiction of the applicant?
- e. If at all, does the applicant contemplate beginning annexation proceedings regarding any portion of the remainder of the requested area?
- f. Does the applicant have a master plan for any portion of the remainder of the requested area?

Additionally, the Commission revises the following issue that appeared in its March 29, 2018, preliminary order:

15. If the Commission grants an amendment to the applicant's sewer CCN, should it limit the area added to include only certain of the parcels identified by the applicant or certain portions of the remainder of the requested area, or both?

³ Tex. Gov't Code Ann. § 2003.049(e) (Vernon 2000).

This list of issues is not intended to be exhaustive. The parties and the ALJ are free to raise and address any issues relevant in this docket that they deem necessary, subject to any limitations imposed by the ALJ, or by the Commission in future orders issued in this docket. The Commission may identify and provide to the ALJ in the future any additional issues or areas that must be addressed, as permitted under Tex. Gov't Code Ann. § 2003.049(e).

II. Effect of Preliminary Order

This order is preliminary in nature and is entered without prejudice to any party expressing views contrary to this order before the SOAH ALJ at hearing. The SOAH ALJ, upon his or her own motion or upon the motion of any party, may deviate from this order when circumstances dictate that it is reasonable to do so. Any ruling by the SOAH ALJ that deviates from this order may be appealed to the Commission. The Commission will not address whether this order should be modified except upon its own motion or the appeal of a SOAH ALJ's order. Furthermore, this order is not subject to motions for rehearing or reconsideration.

Signed at Austin, Texas the _____ day of _____ 2018.

PUBLIC UTILITY COMMISSION OF TEXAS

DEANN T. WALKER, CHAIRMAN

ARTHUR C. D'ANDREA, COMMISSIONER