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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

**JOINT REQUEST FOR PROCEDURAL SCHEDULE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff) and the City of Hutto (Hutto) and files this Joint Request for a Procedural Schedule 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 (Parties) reached an agreement in principle that would have the effect of leaving only Staff and Hutto as the 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 principals for approval and execution, and that the mediation would remain open and assigned to the mediator pending the execution of the settlement documents. In Order No. 5, the SOAH ALJ stated that the case would be returned to the SOAH ALJ by September 28, 2018, unless extended by order of Judge Seitzman. On September 6, 2018, the Hutto City Council approved the settlement terms agreed to by the Parties. The Parties subsequently asked for several extensions to finalize the settlement documents, which were granted by the SOAH ALJ. The Mediator's Final Report on Mediation was filed on February 6,

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2019 and the SOAH ALJ provided an extension of time to February 20, 2019, before the proceeding was to be returned to the SOAH ALJ. On February 20, 2019, Hutto subsequently requested the deadline to be extended to February 27, 2019. On February 25, 2019, the Boehm Alliance filed their Motion to Withdraw Protests and on February 26, 2019, Hutto reported that the settlement agreement was fully executed.

## II. PROPOSED PROCEDURAL SCHEDULE

Accordingly, Hutto and Staff submit this Joint Request for Procedural Schedule pursuant to which a final decision on the Application will be reached.

Deadline for Hutto to file an Amendment to the Application to remove from its existing certificate of convenience and necessity service area certain tracts of land described in the Settlement Agreement	March 8, 2019
Deadline for Staff to determine if additional notice is required pursuant to the amendment	March 15, 2019
<i>If additional notice <u>is</u> required</i> , deadline for Hutto to withdraw Amendment to Application filed pursuant to the Settlement Agreement	March 22, 2019
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to Hutto for review and consent	April 5, 2019
Deadline for Hutto to file signed consent forms with the Commission	April 12, 2019
Deadline for Staff to File a Final Recommendation	April 19, 2019
Deadline for Hutto to Request a Hearing	April 23, 2019
<i>If a hearing <u>is</u> requested</i> , deadline to file Joint Proposed Hearing Schedule	May 3, 2019
<i>If a hearing <u>is 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	May 3, 2019

of Fact, corresponding Conclusions of Law and Order Paragraphs	
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### III. CONCLUSION

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

Dated: February 26, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
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/s/ Heath Armstrong (by Morgan Johnson with permission)

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**ATTORNEY FOR CITY OF HUTTO, TEXAS**

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

**CERTIFICATE OF SERVICE**

I certify that the foregoing document has been mailed, emailed, hand delivered, or sent by facsimile to all parties of record in accordance with the Orders issued in this proceeding on this 26th day of February, 2019.



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Morgan Johnson