



Control Number: 48350



Item Number: 123

Addendum StartPage: 0

PUC DOCKET NO. 48350



**APPLICATION OF THE CITY OF
DAYTON FOR CERTIFICATES OF
CONVENIENCE AND NECESSITY IN
LIBERTY AND HARRIS COUNTIES**

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**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

CITY OF DAYTON’S UNOPPOSED MOTION FOR EXTENSION OF TIME

COMES NOW, the City Dayton (“City”), and files this Unopposed Motion for Extension of Time (“Motion”) in the above-styled Docket. In support thereof, the City would respectfully show as follows:

I. BACKGROUND

On May 8, 2018, the City filed with the Public Utility Commission of Texas (the “Commission”) its application to obtain water and sewer Certificates of Convenience and Necessity in Liberty and Harris Counties. This matter was referred to the State Office of Administrative Hearings (“SOAH”) for a contested case hearing, but it was later dismissed from the SOAH docket and remanded back to the Commission. On March 13, 2020, the Commission Administrative Law Judge (“ALJ”) entered Order No. 10, requesting that Commission Staff file a recommendation on how to proceed and a procedural schedule for further processing of this Docket, on or before March 23, 2020. On March 19, 2020, the City filed an Agreed Motion to Adopt a Procedural Schedule and to Allow Service by Electronic Mail. The Procedural Schedule imposed a deadline of March 25, 2020 for the City to provide supplemental notice to landowners who submitted opt-out requests not conforming to Texas Water Code § 13.246(h) or 16 Texas Administrative Code (“TAC”) § 24.227(h), and a deadline of April 27, 2020 for the City to file revised mapping and digital data in response to any supplemented opt-out requests received. Therefore, this Motion is timely filed.

II. MOTION FOR EXTENSION OF TIME

The City respectfully requests that the ALJ grant a 30–day extension of time for it to file

revised mapping and digital data in response to recently-received supplemented opt-out requests. Pursuant to 16 TAC §§ 22.4(b) and 22.144(c), the time for filing such documents may be extended upon a showing of good cause and that the need for the extension is not caused by neglect, indifference, or lack of diligence. Good cause exists for the requested extension as (i) the deadline for the opt-out requestors to provide clarifications on their requests was on Thursday, April 23, 2020 and (ii) the City is currently in the process of reviewing and addressing the opt-out requestor responses to the supplemental notice. The City anticipates that it can submit revised, final mapping data within 30 days of this Motion. The City further requests that Commission Staff's deadline to review and assess the City's supplemental mapping be adjusted to 30 days after the City's deadline to file revised, final mapping data. Such deadline was requested by Commission Staff, and the City supports such request. The City has communicated with counsel for Commission Staff regarding this Motion, and such counsel represents that Commission Staff is unopposed to the relief requested herein.

III. CONCLUSION AND PRAYER

For the above-stated reasons, the City of Dayton respectfully requests that the Administrative Law Judge issue an order granting this Unopposed Motion for Extension of Time, thereby extending the City's deadline to file revised mapping and digital data in response to supplemented Opt-Out Requests to May 27, 2020 and Commission Staff's deadline to respond to such data to June 26, 2020.

Respectfully submitted,

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ATTORNEYS FOR THE CITY OF DAYTON

CERTIFICATE OF CONFERENCE

The undersigned counsel certifies that he has conferred with Commission Staff's legal counsel regarding this filing and that such counsel agrees to this Motion for Extension of Time.



David J. Klein

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on April 27, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

A handwritten signature in black ink, appearing to read 'D. Klein', is written over a horizontal line.

David J. Klein