



## Filing Receipt

**Received - 2021-08-18 10:21:47 AM**  
**Control Number - 48350**  
**ItemNumber - 163**

**DOCKET NO. 48350**

<b>APPLICATION OF THE CITY OF</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DAYTON FOR CERTIFICATES OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	<b>OF TEXAS</b>
<b>LIBERTY AND HARRIS COUNTIES</b>	<b>§</b>	

**ORDER NO. 25**  
**ADMITTING EVIDENCE**

This Order addresses the agreed motion to admit evidence filed by the parties on August 6, 2021. The administrative law judge grants the motion and admits the following evidence into the record of this proceeding:

1. The City of Dayton's application and all accompanying exhibits filed on May 8, 2018;
2. Dayton's revised maps and digital data filed on May 25, 2018;
3. Commission Staff's recommendation on administrative completeness and proposed notice filed on June 6, 2018;
4. Dayton's revised maps and digital data filed on June 6, 2018;
5. Opt-out request of Gerald Dufrene filed on July 12, 2018;
6. Opt-out request of Stoesser Farms, Inc. filed on July 12, 2018;
7. Opt-out request of Joe Smesny filed on July 13, 2018;
8. Opt-out request of River Ranch Holdings, LLC filed on July 13, 2018;
9. Opt-out request of Rodney Porter filed on July 13, 2018;
10. Opt-out request of River Ranch Holdings, LLC filed on July 16, 2018;
11. Opt-out request of Stoesser Investments, LLC filed on July 16, 2018;
12. Opt-out request of Stoesser Drier, Inc. filed on July 16, 2018;
13. Opt-out request of Walter Wallace Wade filed on July 16, 2018;
14. Opt-out request of Michael Pomykal filed on July 16, 2018;
15. Opt-out request of Liberty RV, LLC filed on July 16, 2018;
16. Opt-out request of The Mary Gay Corporation filed on July 17, 2018;
17. Opt-out request of FVL Ltd. filed on July 17, 2018;
18. Opt-out request of FPL Farming, Ltd. filed on July 17, 2018;
19. Opt-out request of Third Texas Resource filed on July 17, 2018;

20. Opt-out request of Precab, Inc. filed on July 18, 2018;
21. Opt-out request of Daniel and Lisa Simnacher filed on July 18, 2018;
22. Opt-out request of Bill Kornegay filed on July 18, 2018;
23. Opt-out request of FVL, Ltd. filed on July 19, 2018;
24. Opt-out request of FPL Farming, Ltd. filed on July 19, 2018;
25. Opt-out request of Weldon W. Alders filed on July 19, 2018;
26. Opt-out request of Alan Swenson filed on July 19, 2018;
27. Opt-out request of FVL, Ltd. filed on July 20, 2018;
28. Opt-out request of FPL Farming, Ltd. filed on July 20, 2018;
29. Opt-out request of William D. Gay, II filed on July 20, 2018;
30. Opt-out request of Keith and Connie Fitzhenry filed on July 20, 2018;
31. Opt-out request of Cedar Bayou Wildlife, LLC filed on July 20, 2018;
32. Dayton's proof of notice filed on July 20, 2018;
33. Opt-out request of FPL Farming Ltd. filed on July 23, 2018;
34. Opt-out request of Gary Moreau filed on July 23, 2018;
35. Opt-out request of John M. Bartee filed on July 25, 2018;
36. Opt-out request of Eagle Heights Fellowship filed on July 25, 2018;
37. Commission Staff's recommendation on sufficiency of notice filed on July 25, 2018;
38. Opt-out request of Susan Nanette Daniel, Daniel Martin Parker, and Bill Daniel Trust et al, filed on July 26, 2018;
39. Opt-out request of Norma Hernandez filed on July 27, 2018;
40. Opt-out request of Randal and Pamela Klimitchek filed on July 30, 2018;
41. Dayton's revised maps and digital data filed on October 19, 2018;
42. Dayton's revised maps and digital data, filed on December 20, 2018;
43. Dayton's application amendment filed on May 10, 2019;
44. Dayton's response to Commission Staff's first request for information filed on July 10, 2019;
45. Dayton's response to Commission Staff's second request for information filed on August 28, 2019;

46. Dayton's affidavit of supplemental notice regarding nonconforming opt-out requests filed on March 25, 2020;
47. Opt-out request of The Mary Gay Corporation filed on April 14, 2020;
48. Opt-out request of Stoesser Farms, Inc. filed on April 17, 2020;
49. Opt-out request of Mark Stoesser filed on May 14, 2020;
50. Opt-out request of Jack Stoesser filed on May 19, 2020;
51. Opt-out request of Gary Moreau filed on May 27, 2020;
52. Dayton's first supplement to the amended application filed on July 27, 2020;
53. Dayton's second supplement to the amended application filed on November 30, 2020;
54. Dayton's third supplement to the amended application filed on April 5, 2021;
55. Dayton's fourth supplement to the amended application filed on May 12, 2021;
56. Commission Staff's supplemental recommendation on sufficiency of mapping revisions filed on May 18, 2021;
57. Dayton's notice of consent filed on July 8, 2021; and
58. Commission Staff's second amended final recommendation including all attachments filed on July 21, 2021.

**Signed at Austin, Texas the 18th day of August 2021.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



---

**ISAAC TA  
ADMINISTRATIVE LAW JUDGE**