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**SOAH DOCKET NO. 473-19-2463.WS
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 APPLICATION AMENDMENT

COMES NOW, the City of Dayton (the “City”), by and through its undersigned attorneys of record, and files this Application Amendment, and in support thereof 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 (“CCNs”) in Liberty and Harris Counties (the “Application”). On July 19, 2018, Aqua Texas, Inc. d/b/a Aqua Texas (“Aqua”) filed a “Motion to Intervene and Request for Hearing,” which was granted by the Administrative Law Judge (“ALJ”) on August 22, 2018. On February 5, 2019, in order to resolve certain issues contested by Aqua, the Commission referred this Docket to the State Office of Administrative Hearings (“SOAH”) to conduct a hearing and issue a proposal for decision. Since that time, the City and Aqua have, through good faith negotiations, resolved those issues, and entered into a Settlement Agreement dated May 3, 2019. Pursuant thereto, Aqua has agreed to withdraw its protest of the Application in exchange for the removal of three tracts of land from the water CCN service area requested by the City in its Application.

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II. APPLICATION AMENDMENT

In accordance with the Settlement Agreement, the City hereby amends its Application to remove the following three tracts from the City's proposed water CCN service area:

1. a 93.3064-acre tract located south of County Road 676 on State Highway 321;
2. a 36.5154-acre tract located north of County Road 686 on State Highway 321; and
3. a 0.9537-acre tract located west of State Highway 90, on County Road 6031.

The above-listed three tracts are collectively, the "***Removed Areas***," and are more accurately depicted on the large and small scale maps attached hereto as **Exhibit A**. Also attached, as **Exhibit B**, is a CD-ROM containing projectable digital data, with metadata, which further depicts the Removed Areas.

III. CONCLUSION & PRAYER

For these reasons, the City of Dayton respectfully requests that the Application originally filed on May 8, 2018 be amended to remove (1) a 93.3064-acre tract located south of County Road 676 on State Highway 321, (2) a 36.5154-acre tract located north of County Road 686 on State Highway 321, and (3) a 0.9537-acre tract located west of State Highway 90 on County Road 6031 from the water CCN serve area requested by the City; and all other orders, acts, procedures, and relief be granted as are necessary and proper to the amend the Application as provided herein.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &
TOWNSEND, P.C.**

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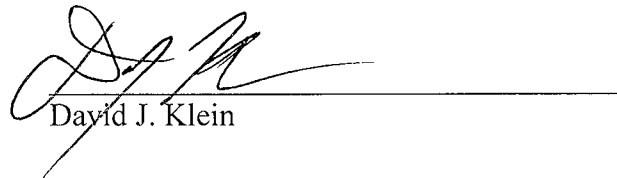
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ATTORNEYS FOR THE CITY OF DAYTON

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was transmitted by fax, hand-delivery and/or regular, first class mail on this 10th day of May, 2019 to the parties of record, in accordance with 16 Tex. Admin. Code § 22.74.



David J. Klein

Attachment A

Removed Area Maps