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SOAH DOCKET NO. 473-19-2463.WS  
PUC DOCKET NO. 48350

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PUBLIC UTILITY COMMISSION  
FILING CLERK

APPLICATION OF THE CITY OF DAYTON FOR CERTIFICATES OF CONVENIENCE AND NECESSITY IN LIBERTY AND HARRIS COUNTIES	§ § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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**COMMISSION STAFF'S STATUS UPDATE**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Status Update and would show the following:

**I. BACKGROUND**

On May 8, 2018, the City of Dayton (City) filed an application to obtain water and sewer Certificates of Convenience and Necessity in Liberty and Harris Counties, pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.259, and was referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing. SOAH Order No. 5 was issued on May 13, 2019, granting City's request for an extension and requiring that parties file a status report advising the Administrative Law Judge (ALJ) of the status of the case by June 3, 2019. Therefore, this pleading is timely filed.

**II. STATUS REPORT**

On May 20, 2019, Staff filed its First Request for Information (RFI) to the City of Dayton. These RFIs are in response to recent orders from the Commission remanding water and sewer CCNs to sufficiently develop the record to establish need for proposed service areas.<sup>1</sup> Staff also requires some time to review the updated requested area based on the City's settlement agreement with Aqua Texas, Inc.

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<sup>1</sup> See *Application of City of Gregory to Obtain Certificates of Convenience and Necessity in San Patricio County*, Docket No. 45489, Order Remanding to Docket Management (March 13, 2019); see *Application of Sharyland Water Supply Corporation to Amend a Certificate of Convenience and Necessity in Hidalgo County (37878-C)*, Docket No. 43354, Order Remanding Docket to Docket Management (February 8, 2019).

### **III. UNOPPOSED MOTION FOR EXTENSION OF TIME**

Commission Staff respectfully requests that the ALJ grant an extension until July 10, 2019, so that City has time to respond and Staff time to review the additional requested information. Staff and City should know by that time if the docket can be remanded for administrative processing at the Commission, or if the docket will need to remain at SOAH to further develop the evidentiary record. Staff has communicated with counsel for City, who states that the City does not oppose this request. Staff and City are the only remaining parties in this docket.

### **IV. CONCLUSION**

Staff respectfully requests that the ALJ accept this Status Report and issue an order granting the Motion for Extension of Time.

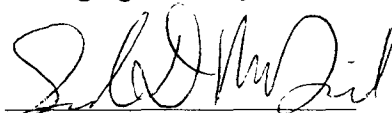
**Dated:** May 22, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney


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

Sarah D. McDaniel  
State Bar No. 24092340  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7289  
(512) 936-7268 (facsimile)  
sarah.mcdaniel@puc.texas.gov

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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on May 22, 2019 in accordance with 16 TAC § 22.74.

  
Sarah D. McDaniel