



Control Number: 49277



Item Number: 13

Addendum StartPage: 0

DOCKET NO. 49277

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2019 SEP -4 PM 12:25

PUBLIC UTILITY COMMISSION  
BEFORE THE  
FILING CLERK

PUBLIC UTILITY COMMISSION

OF TEXAS

APPLICATION OF THE CITY OF FORT  
WORTH FOR A SEWER CERTIFICATE  
OF CONVENIENCE AND NECESSITY  
IN TARRANT, DENTON, WISE AND  
PARKER COUNTIES

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**CITY OF FORT WORTH'S STATUS REPORT, UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE PROOF OF NOTICE, AND UNOPPOSED MOTION  
FOR RESERVATION OF RULING ON UNDINE TEXAS ENVIRONMENTAL, LLC'S  
MOTION TO INTERVENE AND REQUEST FOR PUBLIC HEARING**

COMES NOW, the City of Fort Worth (the "City"), by and through its undersigned attorneys of record, and files this Status Report, Unopposed Motion for Extension of Time to File Proof of Notice, and Unopposed Motion for Reservation of Ruling on Undine Texas Environmental, LLC's ("Undine") Motion to Intervene and Request for Public Hearing (collectively, the "Motion"). In support thereof, the City would respectfully show as follows:

**I. Background**

On March 1, 2019, the City filed with the Public Utility Commission of Texas ("Commission") its application to obtain a sewer Certificate of Convenience and Necessity ("CCN") in Tarrant, Denton, Wise, and Parker Counties (the "Application"). The requested sewer CCN service area included approximately 261,819 acres and 600,851 customers. The City filed supplements to the Application on April 29, 2019 and June 21, 2019. On July 29, 2019, the Administrative Law Judge ("ALJ") issued Order No. 4, finding the Application to be administratively complete, and requiring the City to file proof of having provided notice of the Application to affected parties by September 16, 2019. This Motion is, therefore, timely filed.

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## **II. Status Report**

Since the issuance of Order No. 4, the City has been exploring the possibility of revising the Application to: (1) remove significant portions of previously requested sewer service area, and (2) request additional sewer service area not currently contemplated by the Application. The City anticipates that such an amendment to the Application (the “Application Amendment”) will be filed no later than thirty (30) days after the date of this Motion.

On August 23, 2019, Undine filed its Motion to Intervene and Request for Public Hearing (“Motion to Intervene”) in this Docket. Given the City’s intent to significantly reduce the sewer CCN service area being requested by the Application—including a reduction of those areas being requested near the boundaries of Undine’s sewer CCN Nos. 20816 and 21019—it is likely that the concerns stated in Undine’s Motion to Intervene will be mooted by the City’s Application Amendment.

## **III. Unopposed Motion for Extension of Time to File Proof of Notice**

The City hereby respectfully requests that it be granted a 30-day extension of time to file the proof of notice required by Order No. 4, unless the Commission determines that additional time is necessary once it reviews and evaluates the anticipated Application Amendment. It is both cost and time inefficient for the City to publish and mail notice of the requested service area given that the City knows it will be modifying the requested service area by adding new territory, which will require re-noticing of the Application. It is also cost and time inefficient for the Commission to allocate its resources to analyzing and processing such notice, which will be rendered moot by the Application Amendment. Further, issuing notice of a proposed sewer CCN area that will be significantly modified will cause confusion with notice recipients and lead to the filing of unnecessary requests for intervention. The requested extension will avoid such confusion. The

City has communicated with counsel for Commission staff ("Staff") regarding this Motion, and counsel for Commission Staff represented that his client is unopposed to such Motion.

#### **IV. Unopposed Motion for Reservation of Ruling on Undine's Motion to Intervene**

Additionally, given that the City's intended Application Amendment is likely to moot the concerns raised by Undine in its Motion to Intervene, the City hereby also respectfully requests that the ALJ withhold from ruling on Undine's Motion to Intervene until after the City's Application Amendment has been filed. The City has communicated with counsel for Commission Staff regarding this Motion, and counsel for Commission Staff represented that his client is unopposed to such Motion.

#### **V. Conclusion & Prayer**

Based on the foregoing, the City of Fort Worth respectfully requests that the ALJ grant a 30-day extension of its deadline to file proof of notice, unless additional time is requested by the Commission; reserve judgment on Undine's Motion to Intervene until after the City's Application Amendment has been filed; and grant all other relief as is necessary and proper to effectuate the requests contained herein.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &  
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**ATTORNEYS FOR THE CITY OF FORT  
WORTH**

**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 4th day of September, 2019 to the parties of record, in accordance with 16 Tex. Admin. Code § 22.74.

  
David J. Klein