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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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BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**CITY OF FORT WORTH'S STATUS REPORT, UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE PROOF OF NOTICE, AND MOTION FOR
CONTINUED 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 Motion for Continued 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 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. On September 4, 2019, the City filed a 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

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and Request for Public Hearing. On September 10, 2019, the AIJ issued Order No. 5, requiring the City to provide proof of notice by October 16, 2019, and granting the request to reserve judgment on Undine's August 23, 2019 Motion to Intervene and Request for Public Hearing ("Motion to Intervene"). Therefore, this Motion is timely filed.

II. Status Report

Since the issuance of Order No. 5, the City has prepared an amendment to the Application (the "Application Amendment"), which it will file simultaneously with the Motion. The Application Amendment will contemplate: (1) removing significant portions of previously requested sewer service area, and (2) requests additional sewer service area that is not currently contemplated by the Application. Consequently, the City anticipates that such Application Amendment could moot the concerns raised in Undine's Motion to Intervene.

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

The City hereby respectfully requests that it be granted a thirty (30) day extension of time to file the proof of notice required by Order No. 5, or such additional time as is determined necessary by the Commission to evaluate the 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 Application Amendment modifies 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 likely 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 regarding this Motion, and counsel for Commission Staff represented that his client is unopposed to such Motion.

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

Again, given that the City's Application Amendment will likely moot the concerns raised by Undine in its Motion to Intervene, the City hereby respectfully requests that ALJ continue to withhold from ruling on such motion in order to provide Undine an opportunity to review the Application Amendment.

V. Conclusion and Prayer

Based on the foregoing, the City of Fort Worth respectfully requests that the ALJ grant a thirty (30) day extension of its deadline to file proof of notice, unless additional time is requested by the Commission; continue to reserve judgement on Undine's Motion to Intervene; and grant all other relief to the City as is necessary and proper to effectuate the requests contained herein.

Respectfully submitted.

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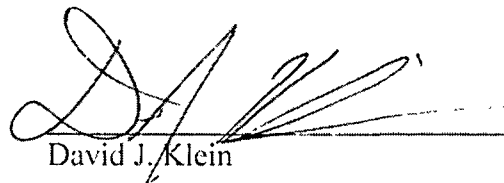
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**ATTORNEYS FOR THE CITY OF FORT
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CERTIFICATE OF SERVICE

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



David J. Klein