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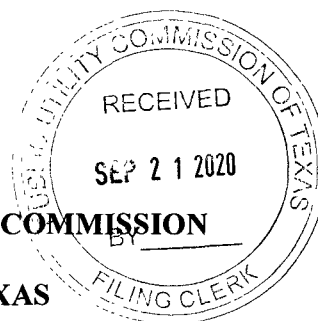
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**DOCKET NO. 50787**

**PETITION OF TYLER OAK CREEK  
DEVELOPMENT, LLC TO AMEND  
LIBERTY UTILITIES (TALL TIMBERS  
SEWER) CORP.'S CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
SMITH COUNTY BY EXPEDITED  
RELEASE**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**



**COMMISSION STAFF'S RESPONSE TO ORDER NO. 5**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 5. Staff shows the following:

**I. BACKGROUND**

On April 24, 2020, Tyler Oak Creek Development, LLC (Tyler Oak Creek) filed a petition seeking streamlined expedited release from Liberty Utilities (Tall Timbers Sewer) Corp.'s sewer certificate of convenience and necessity (CCN) in Smith County, Texas. Specifically, Tyler Oak Creek seeks the streamlined expedited release of the portion of its 47.939-acre tract of land that lies within the boundaries of Tall Timbers Sewer's sewer CCN No. 20694. Tyler Oak Creek's petition was filed under Texas Water Code § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h).

On June 2, 2020, Tall Timbers Sewer filed a motion to intervene in this proceeding. On June 10, 2020, Order No. 3 was issued, granting the motion to intervene. On July 16, 2020, Order No. 4 was issued, finding the petition administratively complete and establishing a deadline of August 20, 2020 for Staff to file its recommendation on final disposition. Staff filed its recommendation on final disposition on August 11, 2020. On September 14, 2020, Order No. 5 was issued, requesting Staff to file comments regarding whether it considered Tall Timbers' response in drafting its final recommendation on or before September 21, 2020. Therefore, this pleading is timely filed.

**II. STAFF'S RESPONSE**

On August 6, 2020, Tall Timbers served its response on Staff via email. The response was then provided to Jolie Mathis, Infrastructure Division, on August 7, 2020. Tall Timbers' response was not filed with the Commission until September 11, 2020. Because Tall Timbers' response was

not properly filed with the Commission until after Staff's filing was made, Ms. Mathis did not consider it when drafting her memorandum. Staff would request the opportunity to review Tall Timbers' now-filed response and file a supplemental final recommendation. Staff would request until October 5, 2020, to file its supplemental recommendation.

### **III. CONCLUSION**

Staff respectfully requests that it be given until October 5, 2020, to review Tall Timbers' response and file its supplemental final recommendation.

Dated: September 21, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Heath Armstrong  
Managing Attorney

/s/ Megan Chalifoux  
Megan Chalifoux  
State Bar No. 24073674  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7377  
(512) 936-7268 (facsimile)  
megan.chalifoux@puc.texas.gov

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### **CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on September 21, 2020 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Megan Chalifoux  
Megan Chalifoux