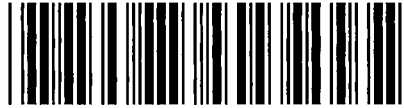


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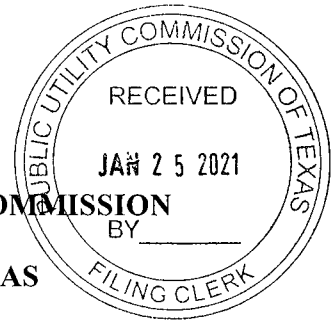
Addendum StartPage: 0

DOCKET NO. 50903

**APPLICATION OF THE CITY OF
PFLUGERVILLE TO AMEND A
CERTIFICATE OF CONVENIENCE
AND NECESSITY UNDER TEXAS
WATER CODE § 13.255 AND
DECERTIFY A PORTION OF
MANVILLE WATER SUPPLY
CORPORATION'S SERVICE AREA
IN TRAVIS COUNTY**

§ **PUBLIC UTILITY COMMISSION**
§
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§
§

OF TEXAS



APPLICANT'S FIRST UNOPPOSED REQUEST FOR EXTENSION

COMES NOW the Applicant, City of Pflugerville, and files this First Unopposed Request for Extension. In support thereof, Applicant shows the following:

I. BACKGROUND

On June 3, 2020, the City of Pflugerville (Pflugerville) filed an application to amend its water Certificate of Convenience and Necessity (CCN) number 11303 under Texas Water Code § 13.255 in order to incorporate areas it currently serves and decertify a portion of Manville Water Supply Corporation's (Manville) water service in Travis County. The requested service area consists of approximately 2,691.11 acres.

On October 12, 2020, Staff of the Public Utility Commission of Texas (Staff) filed its recommendation regarding administrative completeness, recommending that the application be found administratively incomplete as a result of mapping deficiencies resulting in gaps in the mapping data. On October 13, 2020, Order No. 6 issued by the Administrative Law Judge (ALJ) found the application remaining insufficient and provided Pflugerville until November 25, 2020 to cure the mapping deficiencies and provided Staff until December 18, 2020 to file a supplemental recommendation regarding administrative completeness. On October 23, 2020, Pflugerville timely responded with updated mapping data to address deficiencies referenced in Staff's October 12,

2020 recommendation. On December 18, 2020, Staff recommended administrative completeness, notice, and proposed procedural schedule. On December 21, 2020, the ALJ issued Order No. 6, finding the application administratively complete, and providing for the notice of the application as described in Staff's December 18, 2020 memorandum in which certain gaps or slivers of acreage in the mapping data were identified as uncertificated and therefore requiring various notice requirements. Order No. 6 was subsequently corrected on December 22, 2020, by issue of Order No. 8, requiring corrected notice and amending deadlines. Order No. 8 set a January 4, 2021 deadline for Staff to provide notice forms to Pflugerville and a January 25, 2021 deadline for Pflugerville to file with the Commission signed affidavits that the notice was provided and published in a newspaper of general circulation. January 25, 2021 has not passed, and therefore, this pleading is timely.

II. REQUEST FOR EXTENSION AND WAIVER

Pursuant to 16 Texas Administrative Code (TAC) § 22.4(b), Pflugerville may request that the time allowed for filing any documents be extended for good cause. On December 18, 2020, Pflugerville received Staff's recommendation administrative completeness; however, the recommendation identified certain small gaps or slivers of acreage in mapping data that constitute uncertificated areas that require various notices. Pflugerville has been in communication with Staff to determine the correct mapping information to include with the various notices and needs more time to confirm with Staff the appropriate mapping information to include with the notices, as well as gather other information necessary for delivery of the notices, including confirming accurate addresses. The need for this extension is not caused by the neglect, indifference, or lack of diligence of the Applicant.

Additionally, pursuant to 16 TAC § 24.239, Pflugerville also respectfully requests a waiver for good cause shown of the notices to cities, districts, and neighboring utilities under 16 TAC § 24.235(b)(1) on the basis that the uncertificated areas identified by Staff are wholly within the corporate boundaries of Pflugerville and can therefore already only be served by Pflugerville. As such, notices to surrounding cities, districts, and utilities are administratively unnecessary and unnecessarily burdensome, as no other entity besides Pflugerville may provide water service to the uncertificated areas identified by Staff. And indeed, Pflugerville already provides service to such areas. Staff is supportive of this waiver request. In the alternative, pursuant to 16 TAC § 24.239(c)(3), Pflugerville requests that the Commission allow published notice in lieu of individual notice.

For the above reasons, Pflugerville respectfully requests an extension and waiver so that its deadline to file with the Commission signed affidavits that the notice was provided and published in a newspaper of general circulation, along with a copy of the notice and map sent to the affected parties, and in lieu of individual notices to surrounding cities, districts and utilities, be extended to February 10, 2021. Pflugerville also requests that Staff's deadline to file a recommendation on the sufficiency of notice and propose a supplemental procedural schedule be extended to February 17, 2021. Pflugerville has conferred with counsel for Staff and Manville, and both parties are supportive of the requested extension and waiver.

III. CONCLUSION

On the aforementioned basis, Pflugerville respectfully requests that the ALJ extend the deadline to file with the Commission signed affidavits that the notice was provided and published in a newspaper of general circulation, along with a copy of the notice and map sent to the affected parties, and in lieu of individual notices to surrounding cities, districts and utilities, be extended to

February 10, 2021. Pflugerville also requests that Staff's deadline to file a recommendation on the sufficiency of notice and propose a supplemental procedural schedule be extended to February 17, 2021.

Dated: January 25, 2021

Respectfully Submitted,

CITY OF PFLUGERVILLE

/s/ Amy Giannini_____

Assistant City Manager

DOCKET NO. 50903

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 January 25, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Amy Giannini

Amy Giannini