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DOCKET NO. 51170



APPLICATION OF THE CITY OF §
SWEETWATER TO AMEND A §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY AND FOR DUAL §
CERTIFICATION WITH BITTER §
CREEK WATER SUPPLY §
CORPORATION IN NOLAN COUNTY §

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**CITY OF SWEETWATER'S AGREED MOTION FOR EXTENSION OF TIME TO
SUPPLEMENT THE APPLICATION**

COMES NOW, the City of Sweetwater (the "City"), by and through its undersigned attorneys of record, and files this Agreed Motion for Extension of Time to Supplement the Application (the "Motion"). In support thereof, the City would respectfully show as follows:

I. BACKGROUND

On August 14, 2020, the City filed an application at the Public Utility Commission of Texas (the "Commission") to amend its water Certificate of Convenience and Necessity ("CCN") No. 10228 and for partial dual water certification with Bitter Creek Water Supply Corporation ("Bitter Creek WSC") in Nolan County, Texas (the "Application"). The requested service area consists of 287 acres, entirely owned by Georgia Pacific, LLC ("Georgia Pacific"). On September 11, 2020, Georgia Pacific submitted a letter to the Commission requesting to remove 234 acres of its real property from the City's request for single certification. Then, on September 14, 2020, Commission Staff filed a "Recommendation on Administrative Completeness and Proposed Notice," recommending that the Application be found administratively incomplete and that the City be ordered to file supplemental information. Specifically, Commission Staff recommended that the City be required to cure deficiencies identified in a September 14, 2020 "PUC Interoffice Memorandum" ("Staff's Memo"). On

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September 15, 2020, the Administrative Law Judge issued Order No. 2 in this Docket, finding the Application administratively incomplete, and ordering the City to provide the supplemental information requested in Staff's Memo on or before October 14, 2020. Therefore, this Motion is timely filed.

II. AGREED MOTION FOR EXTENSION OF TIME TO SUPPLEMENT APPLICATION

The City hereby requests that it be granted a 90-day extension of time, until Tuesday, January 12, 2021, to supplement the Application as required by Order No. 2. Pursuant to 16 Tex. Admin. Code § 22.4(b), as long as the need for an extension is not caused by the party's neglect, indifference, or lack of diligence, it may request that the time allowed for filing any documents be extended for good cause. Here, since Order No. 2 was issued, City Staff has been in discussions with Georgia Pacific to determine whether an agreement can be reached whereby Georgia Pacific would withdraw its opt-out request and/or Georgia Pacific, Bitter Creek WSC and the City reach a global agreement regarding the entire proposed CCN area. To that end, on October 14, 2020, the City Council of the City authorized its Staff to commence discussions with Bitter Creek WSC. The City has communicated with counsel for Staff regarding this Motion, and such counsel represented that his client agrees with this Motion.

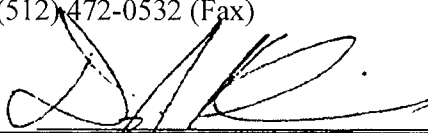
III. CONCLUSION AND PRAYER

Based on the foregoing, the City of Sweetwater respectfully requests that the Administrative Law Judge grant a 90-day extension of time, until Tuesday, January 12, 2021, for the City to supplement its Application in accordance with Order No. 2, and to grant all other relief as is necessary and proper to effectuate the requests contained herein.

Respectfully submitted,

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**ATTORNEYS FOR THE CITY OF
SWEETWATER**

CERTIFICATE OF CONFERENCE

The undersigned counsel certifies that he has conferred with Commission Staff's legal counsel regarding this Motion and that such counsel agrees to the relief requested herein.



David J. Klein

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 October 14, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.



David J. Klein