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Received - 2021-12-07 09:01:43 AM
Control Number - 52380
ItemNumber - 19

DOCKET NO. 52380

PETITION OF SWWC UTILITIES, INC.	§	PUBLIC UTILITY COMMISSION
DBA HORNSBY BEND UTILITY	§	
COMPANY, INC. AND CITY OF	§	OF TEXAS
AUSTIN FOR APPROVAL OF	§	
SERVICE AREA CONTRACT UNDER	§	
TEXAS WATER CODE § 13.248 AND	§	
TO AMEND CERTIFICATES OF	§	
CONVENIENCE AND NECESSITY IN	§	
TRAVIS COUNTY	§	

COMMISSION STAFF'S RESPONSE TO ORDER NO. 5

On August 2, 2021, SWWC Utilities, Inc. dba Hornsby Bend Utility Company, Inc. (HBUC) and the City of Austin (collectively, the Applicants) filed a petition for review and approval of a service area contract under Texas Water Code (TWC) § 13.248 and 16 Texas Administrative Code (TAC) § 24.253.

On November 5, 2021, the administrative law judge (ALJ) filed Order No. 5 requiring Staff (Staff) of the Public Utility Commission of Texas (Commission) to respond by December 7, 2021. Therefore, this petition is timely filed.

I. STAFF'S RESPONSE TO ORDER NO. 5

At this time Staff defers to the ALJ's and Applicants' interpretation of the Applicants' contract. Staff reaffirms its position in Staff's Response to Order No. 6 filed on November 30, 2021, and continues to recommend that this petition be dismissed.

II. CONCLUSION

For the reasons stated above, Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: December 7, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Arnett D. Caviel
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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 December 7, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Arnett D. Caviel
Arnett D. Caviel