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PETITION BY SWWC UTILITIES, INC.	§	BEFORE THE PUBLIC UTILITY
D/B/A HORNSBY BEND UTILITY	§	
COMPANY, INC. AND CITY OF	§	COMMISSION OF TEXAS
AUSTIN, TEXAS, FOR TEXAS WATER	§	
CODE § 13.248 APPROVAL AND	§	
ENFORCEMENT OF A CONTRACT	§	
AND ITS AMENDMENTS	§	
DESIGNATING WATER AND	§	
WASTEWATER SERVICE AREAS IN	§	
TRAVIS COUNTY, TEXAS	§	

SWWC UTILITIES, INC. D/B/A HORNSBY BEND UTILITY COMPANY, INC. AND CITY OF AUSTIN’S UNOPPOSED MOTION FOR EXTENSION OF TIME

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COME NOW, SWWC Utilities, Inc. d/b/a Hornsby Bend Utility Company, Inc. (HBUC) and the City of Austin (City) (collectively, Applicants), and hereby file this Motion for Extension of Time (Motion) to respond to Commission Staff’s (Staff) Motion to Dismiss. In support, Applicants respectfully show the following.

On September 30, 2021, Staff filed a motion to dismiss Applicants’ Texas Water Code (TWC) § 13.248 Application pursuant to 16 TAC § 22.181(d)(8) for failure to state a claim for which relief can be granted.¹ Responses to motions to dismiss are due 20 days from the date of receipt, and this motion to extend the time for Applicants’ response is timely filed.²

Applicants require additional time to coordinate their response to Staff’s motion between their respective organizations following a conference with Staff on October 15, 2021. Therefore, as permitted by 16 TAC §22.4(b) for good cause, Applicants request an extension of time to file a response to Staff’s motion until November 1, 2021.³ Applicants do not seek the requested deadline extension for the purpose of delay, and the need for the requested extension is not caused

¹ Commission Staff’s Motion to Dismiss (Sep. 30, 2021).

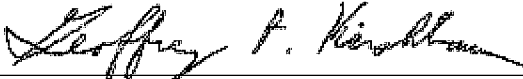
² 16 TAC § 22.181(e)(3); *see also* 16 TAC § 22.4(b).

³ 16 TAC § 22.4(b).

by neglect, indifference, or lack of diligence.⁴ Nor is the current deadline required by statute.⁵ This request is made for good cause and so that justice may be accomplished.⁶ Staff is unopposed to this Motion.

Applicants respectfully request the Commission grant their request to extend the deadline to respond to Staff's motion to dismiss until November 1, 2021. Applicants further request the presiding officer issue an order granting this Motion and all other and further relief to which Applicants are justly entitled.

Respectfully submitted,

By: 
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D/B/A HORNSBY BEND UTILITY COMPANY,
INC.**

⁴ 16 TAC § 22.4(b).

⁵ 16 TAC § 22.4(b).

⁶ 16 TAC § 22.4(b).

By: /s/ Evan D. Johnson

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ATTORNEYS FOR THE CITY OF AUSTIN

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 20, 2021, in accordance with the Orders Suspending Rules issued in Project No. 50664.



Geoffrey P. Kirshbaum