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**APPLICATION OF BROWNSVILLE § PUBLIC UTILITY COMMISSION
PUBLIC UTILITIES BOARD TO §
AMEND A CERTIFICATE OF § OF TEXAS
CONVENIENCE AND NECESSITY §
FOR A SERVICE AREA BOUNDARY §
CHANGE WITHIN CAMERON §
COUNTY §**

**ORDER NO. 1
REQUIRING COMMENTS ON SUFFICIENCY OF APPLICATION
AND NOTICE, AND ESTABLISHING PROCEDURAL SCHEDULE**

This Order addresses the October 22, 2021 application of Brownsville Public Utilities Board to amend AEP Texas Inc.'s certificate of convenience and necessity for a service area exception in Cameron County. Brownsville PUB seeks approval to provide electrical service to Union Design Developers, LP's property at the Heights at Riverbend Subdivision. The application includes the affidavit of John S. Bruciak, general manager and chief executive officer for Brownsville PUB, attesting that AEP Texas Inc. has been given notice of the application.

I. Requiring Comments on Sufficiency of Application

By November 12, 2021, Commission Staff must file comments on the sufficiency of the application, the need for additional notice, and whether the Commission should regard this case as a service-area exception under 16 Texas Administrative Code (TAC) § 25.101.

II. Establishing Procedural Schedule

Under 16 TAC § 25.101(b)(1)(B), requests for service area exceptions must be approved administratively within 45 days of the filing of the application provided that qualifying factors are met. The following procedural schedule applies to this proceeding:

Event	Date
Commission Staff's comments on sufficiency of application and notice	November 12, 2021
Intervention deadline	November 22, 2021
Deadline to request referral to the State Office of Administrative Hearings for a hearing on the merits	November 23, 2021

<i>If Qualified for Informal Disposition:</i>	
Deadline for Commission Staff's recommendation on final disposition	November 30, 2021
Deadline for applicant to respond to Commission Staff's recommendation on final disposition	December 2, 2021
45-day administrative approval	December 6, 2021

III. Discovery

Discovery may proceed informally; however, objections to Requests for Information (RFIs) must be filed and served within 10 days of receiving the RFI. Objections must include a statement that negotiations were conducted diligently and in good faith. If the parties are unable to resolve a discovery dispute, a motion to compel a response to an RFI must be filed and served within five working days of receipt of an objection. The motion to compel must specify the grounds for the motion.

IV. Filing Requirements

Responsive pleadings are governed by 16 TAC § 22.78. Unless otherwise specified, responses or replies to any motion or other pleading must be filed within five working days after the date on which the motion or other pleading was received by the responding party. Failure to file a timely response will be considered acquiescence to the relief requested.

All parties are required to provide their current addresses, **e-mail addresses**, telephone and fax numbers, if available, to all other parties and to the Commission by filing and serving all parties with such information. Each party must provide the Commission and all parties with updated address, **e-mail address**, telephone, and fax information if such information changes. The **e-mail addresses**, telephone and fax numbers will be included on the service list for the convenience of the parties. Parties are responsible for updating their own service lists to reflect changed information and the addition of any other parties.

Filing of pleadings is typically governed by 16 TAC § 22.71. However, the Commission has issued a Second Order Suspending Rules,¹ which has suspended certain filing requirements found in 16 TAC § 22.71. As long as the Second Order Suspending Rules remains in effect, all parties must file any pleading or document with the Commission solely through the Interchange on the Commission's website (<https://interchange.puc.texas.gov/filer>) and provide notice, by e-mail, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer. It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange.

Questions concerning this Order or any other order must be submitted in writing, filed with the Commission, and served on all parties of record.

Signed at Austin, Texas the 25th day of October 2021.

PUBLIC UTILITY COMMISSION OF TEXAS


HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

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¹ *Issues Related to the State of Disaster for the Coronavirus Disease*, Docket No. 50664, Second Order Suspending Rules (July 16, 2020).