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APPLICATION OF AQUA UTILITIES, §  
 INC. AND AQUA TEXAS, INC. D/B/A §  
 AQUA TEXAS FOR SALE, §  
 TRANSFER, OR MERGER OF §  
 FACILITIES AND TO AMEND §  
 CERTIFICATES OF CONVENIENCE §  
 AND NECESSITY IN CHAMBERS, §  
 JEFFERSON AND LIBERTY §  
 COUNTIES (GRAY UTILITY §  
 SERVICE SEWER SYSTEM; 37945-S) §

2015 JAN -5 PM 3:02  
 PUBLIC UTILITY COMMISSION  
 PUBLIC UTILITY COMMISSION  
 OF TEXAS FILING CLERK

**ORDER NO. 4  
 FINDING APPLICATION INCOMPLETE AND DEFICIENT,  
 ESTABLISHING DEADLINES AND OPPORTUNITY TO CURE**

**I. Application**

On June 4, 2014, the Texas Commission on Environmental Quality (TCEQ) received an application from Aqua Utilities, Inc. and Aqua Texas, Inc. d/b/a Aqua Texas (Aqua Texas) regarding the sale, transfer or merger and amendment of a Certificate of Convenience and Necessity in Chambers, Jefferson and Liberty Counties, Texas. On September 1, 2014, the processing of the application was transferred to the Public Utility Commission of Texas (Commission).

**II. Staff Recommendation on Administrative Completeness of the Application**

On December 19, 2014, Commission Staff filed comments on the application. Commission Staff has determined that the application is not administratively complete because it contains material deficiencies, as specifically described in Commission Staff's December 19, 2014 filing and the attached memorandum of Debbie Reyes Tamayo, Program Specialist, Water Utilities Division. Pursuant to P.U.C. SUBST. R. 24.8(a), applications are not considered filed until a determination of administrative completeness is made, thus at this time the application is not considered filed with the Commission.

In addition, Staff determined that Aqua Texas' proposed notice does not meet the requirements of P.U.C. SUBST. R. 24.106. Applicant should not send out notice to affected parties until the Commission issues an order approving the prepared notice.

### III. Proposed Procedural Schedule

Commission Staff proposes that Applicant be given until January 30, 2015 to address the deficiencies identified by Commission Staff. Commission Staff proposes to file additional comments regarding completeness of the amended application, along with a proposed procedural schedule once the application is administratively complete.

### IV. Finding Application Incomplete and Deficient, Providing Opportunity to Cure

Consistent with Commission Staff's recommendation, Aqua Texas' application is found administratively incomplete and deficient. On or before **January 30, 2015**, Aqua Texas shall amend its application to cure the deficiencies noted by Staff. Processing of the application cannot proceed until the requested items are received and reviewed.

Commission Staff shall file a supplemental recommendation regarding administrative completeness of the amended application and notice along with a proposed procedural schedule within ten working days of receipt of the amended application.

SIGNED AT AUSTIN, TEXAS the 5<sup>th</sup> day of January 2015.

PUBLIC UTILITY COMMISSION OF TEXAS

  
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SUSAN E. GOODSON  
ADMINISTRATIVE LAW JUDGE