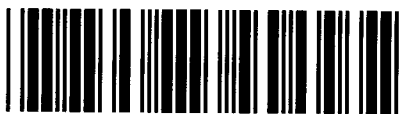




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Addendum StartPage: 0

**DOCKET NO. 43103**

**APPLICATION OF JOHNSTON  
WATER UTILITY, LLC FOR PASS  
THROUGH RATE CHANGE (38006-R)**

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§  
§

**PUBLIC UTILITY COMMISSION  
OF  
TEXAS**

2015 MAY 21 PM 1:25  
FILING CLERK

**COMMISSION STAFF'S RESPONSE TO NOTICE REGARDING THE FILING OF  
JOHNSTON'S ADDITIONAL INFORMATION, AND REQUEST FOR EXTENSION OF  
DEADLINE FOR RECOMMENDATION ON THE APPLICATION**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Response to Notice Regarding the Filing of Johnston's Additional Information, and Request for Extension of Deadline for Recommendation on the Application. In support of its Response, Staff would show the following:

**I. BACKGROUND**

On September 12, 2014, Johnston Water Utility, LLC (Applicant) filed an application with the Commission to implement a pass through provision in Certificate of Convenience and Necessity (CCN) No. 12788 in Montgomery County, Texas pursuant to Title 16, TEX. ADMIN. CODE (16 TAC) § 24.21(h). Effective September 1, 2014, the Commission began the economic regulation of water and sewer utilities and this case formerly pending at the TCEQ was transferred to the Commission.

On October 9, 2014, the Administrative Law Judge (ALJ) issued a Notice Setting Deadline for Staff's Recommendation directing Staff to file a recommendation regarding the application or propose a procedural schedule, if needed, by October 31, 2014. On October 30, 2014, Staff filed its Response to Notice Setting Deadline for Staff's Recommendation, in which Staff identified multiple deficiencies in the application and requested that the Applicant be given thirty days to cure the deficiencies. On October 31, 2014, the ALJ issued a Notice Finding the Application Insufficient, in which the ALJ directed the Applicant to cure the identified deficiencies by December 1, 2015 and directed Staff to file comments on whether the application is not materially complete, or file a proposed procedural schedule, if the application is found to be administratively complete, by December 22, 2014. On December 19, 2014, Staff filed a Response to Notice in which Staff requested an extension of the deadline to file comments on

administrative completeness and, on January 5, 2015, the ALJ filed its Notice Regarding the Filing of Johnston's Additional Information extending the deadline for Staff to file comments on the application until January 21, 2015. This Response is timely filed.

## **II. REQUEST FOR EXTENSION OF DEADLINE**

Staff is currently working with the Applicant to obtain and review information required to cure the deficiencies identified by Staff in its October 30, 2014 Response. Staff has had discussions with the Applicant and it is Staff's belief that the Applicant is in the process of providing one additional piece of information to fully cure the deficiencies identified in Staff's filing of October 30, 2014. Therefore, it is Staff's belief that good cause exists for the Applicant to have additional time to fully cure the deficiencies identified by Staff, and additional time for Staff to review all supplemental information provided by the Applicant. The Applicant does not object to Staff's request for an extension of the deadline to file Staff's recommendation on whether the application is complete. Therefore, Staff respectfully requests that the ALJ extend the deadline for Staff to file comments on the application until Friday, February 20, 2015.

## **III. MAILING LIST UPDATE**

In its December 19, 2014 Response, Staff noted that the Applicant had not received copies of filings from the Commission and requested that the mailing list for this docket be updated to reflect the corrected contact information for the Applicant. The applicant notified Staff that, as of the date of this Response, the Applicant is still not receiving copies of filings from the Commission. The Applicant has requested that any subsequent filings be sent by mail or emailed to [klane@johnstonwaterutility.com](mailto:klane@johnstonwaterutility.com).

## **IV. CONCLUSION**

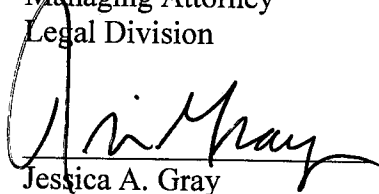
Staff respectfully requests that the ALJ extend the deadline for Staff to file comments on the application until Friday, February 20, 2015. Additionally, Staff requests that notice of subsequent filings be served on the Applicant by mail or email.

**DATE: January 21, 2015**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Shelah J. Cisneros  
Managing Attorney  
Legal Division

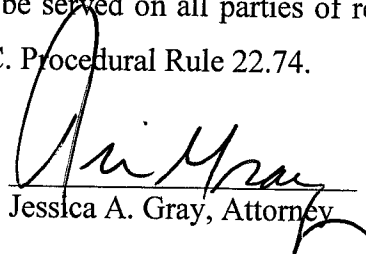


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**DOCKET NO. 43103**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 21st day of January, 2015 in accordance with P.U.C. Procedural Rule 22.74.



Jessica A. Gray, Attorney