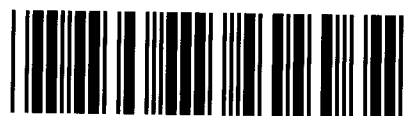




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DOCKET NO. 43177

APPLICATION OF NI AMERICA  
TEXAS, LLC TO AMEND A  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN WISE COUNTY  
(37937-C)

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**ORDER NO. 3  
FINDING APPLICATION INCOMPLETE AND DEFICIENT,  
ESTABLISHING DEADLINES AND OPPORTUNITY TO CURE**

**I. Application**

On May 30, 2014, the Texas Commission on Environmental Quality (TCEQ) received an application from NI America Texas, LLC (NI America) to amend a certificate of convenience and necessity in Wise County, Texas. The application was received by the Public Utility Commission of Texas (Commission) on September 18, 2014.

**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. 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 NI America's 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 Commission issues an order approving the proposed notice.

**III. Proposed Procedural Schedule**

Commission Staff proposes that Applicant be given forty-five (45) days to address the deficiencies identified by Commission Staff. Commission Staff proposes to file additional

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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, NI America's application is found administratively incomplete and deficient. On or before **February 5, 2015**, NI America 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 5th day of January 2015.

PUBLIC UTILITY COMMISSION OF TEXAS

  
IRENE MONTELONGO  
DIRECTOR, DOCKET MANAGEMENT