



Control Number: 43183



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DOCKET NO. 43183

**APPLICATION OF ENGLISH ACRES
AND DARIO V. GUERRA III FOR
SALE, TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN JIM WELLS COUNTY
(37889-S)**

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**PUBLIC UTILITY COMMISSION
OF
TEXAS**

STAFF'S STATUS UPDATE AND RESPONSE TO ORDER NO. 4

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Status Update and Response to Order No. 4 and would show the following:

I. BACKGROUND

On February 28, 2014, Dario V. English dba Derby, Ing. (Derby) filed an application with the Texas Commission on Environmental Quality (TCEQ) to acquire and transfer Certificate of Convenience and Necessity (CCN) No. 12794 held by English Acres pursuant to TEX. WATER CODE ANN. § 13.301 and Title 16, TEX. ADMIN. CODE (16 TAC) §§ 24.109 and 24.112. On July 16, 2014, TCEQ issued a Notice of Deficiency requiring Derby to provide supplemental information for the application. On October 28, 2014, Staff filed a Status Update and Proposed Procedural Schedule in response to Order No. 2 requesting Derby be allowed until Dec. 1, 2014 to cure the application's deficiencies and give Staff until December 15, 2014 to file another recommendation. In Order No. 3, the Administrative Law Judge (ALJ) granted the time extension. Therefore, this pleading is timely filed.

Derby did not cure the deficiencies by December 1, 2014. In Order No. 4 filed on December 11, 2014, the ALJ noted Derby's failure to cure the application, and declared that if the Derby did not respond by January 15, 2015, the application would be dismissed. Derby did file some supplemental information on December 12, 2014, but the information does not cure all of the application's deficiencies. In the attached memorandum of Debbie Reyes Tamayo of the Water Utilities Division (Attachment A), Staff identified information it is still awaiting.

II. PROPOSED PROCEDURAL CONFORMING TO ORDER NO. 4

Applicant's deadline to cure deficiencies of the sale, transfer, merger, application and pay applicable penalties to prevent dismissal of this matter.	January 15, 2015
Deadline for Staff to file a recommendation on administrative completeness of Derby's response to Order No. 4 if the matter has not already been dismissed.	January 21, 2015

III. CONCLUSION

Staff respectfully requests that the Administrative Law Judge issue an order reflecting this Response.

Dated: December 15, 2014

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division

Doug Brown w/perm. 85.01
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DOCKET NO. 43183
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 15, 2014 in accordance with P.U.C. Procedural Rule 22.74.

Doug Brown w/perm. 85.01
Douglas M. Brown

Attachment A

(Subject Matter Expert's Memorandum)

PUC Interoffice Memorandum

To: Douglas Brown
Legal Division

Thru: Tammy Benter, Director
Water Utilities Division

From: Debbie Reyes Tamayo
Program Specialist
Water Utilities Division

Date: December 12, 2014

Subject: Staff Recommendation for Docket No. 43183

As of today's date, the Applicant has failed to provide the following:

- A list of neighboring utilities which includes the county and any neighboring groundwater conservation districts; and
- documentation that English Acres has paid the accrued public water system fees for fiscal years 1996-2014 that remain outstanding.

The Applicant should provide the above referenced information by January 15, 2015 in conformity with Order No. 4. If the Applicant fails to rectify the deficiency during this time frame, the application will be dismissed.

TB/DRT