



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 OF §
CONVENIENCE AND NECESSITY IN §
JIM WELLS COUNTY (37864-S) §

PUBLIC UTILITY COMMISSION

OF TEXAS

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PUBLIC UTILITY COMMISSION
FILING CLERK

ORDER NO. 7

THIRD NOTICE FINDING APPLICATION INCOMPLETE AND DEFICIENT,
ESTABLISHING DEADLINES AND OPPORTUNITY TO CURE

On February 18, 2015, in response to Order No. 5, English Acres and Dario V. Guerra III d/b/a Derby, Ing. (Derby) filed supplemental notice information to cure deficiencies in its application as identified by Public Utility Commission of Texas (Commission) Staff.

I. Staff Recommendation on Administrative Completeness of the Amended Application and Notice

On March 3, 2015, Commission Staff commented on the amended application. Commission Staff has determined that the proposed notice is still deficient and not administratively complete. However, Staff noted those deficiencies can be cured by making adjustments to the proposed notice as specifically described in Commission Staff's March 3, 2015 filing and the attached memorandum of Debbie Reyes Tamayo and Tracy Harbour, 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.

Applicant shall not issue notice to affected parties until notice is deemed sufficient by the Commission.

II. Proposed Procedural Schedule

Commission Staff proposes that Applicant be given an opportunity to address the deficiencies identified by Commission Staff. If Applicant fails to rectify the deficiencies during this timeframe, dismissal of the application may be appropriate.

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**III. Finding Application and Notice Incomplete and Deficient,
Providing Opportunity to Cure**

Consistent with Commission Staff's recommendation, Derby's application and proposed notice is found administratively incomplete and deficient. On or before **March 17, 2015**, Applicant 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.

On or before **March 31, 2015**, Commission Staff shall file a supplemental recommendation regarding administrative completeness of the amended application and notice along with a proposed procedural schedule.

SIGNED AT AUSTIN, TEXAS the 5th day of March 2015.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in cursive script, appearing to read "Irene Montelongo", is written over a horizontal line.

**IRENE MONTELONGO
DIRECTOR, DOCKET MANAGEMENT**