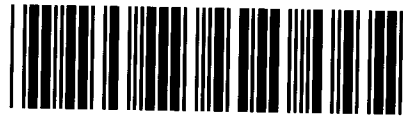


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APPLICATION OF ENGLISH ACRES §
 AND DARIO V. GUERRA III FOR §
 SALE, TRANSFER, OR MERGER OF §
 FACILITIES AND CERTIFICATE §
 RIGHTS IN JIM WELLS COUNTY §
 (37889-S) §

PUBLIC UTILITY COMMISSION
 PUBLIC UTILITY COMMISSION
 FILING CLERK
 OF
 TEXAS

COMMISSION STAFF'S RESPONSE TO ORDER NO. 11

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Response to Order No. 11. Staff would show the following:

I. BACKGROUND

On February 28, 2014, Dario V. English dba Derby, Ing. (Derby or Applicant) filed an application (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 § 13.301 (TWC) and 16 Tex. Admin. Code §§ 24.109 and 24.112 (TAC).

The TCEQ found the Application was deficient on June 16, 2014 (AIS Item No. 3). Staff recommended the Application be deemed deficient on October 28, 2014 (AIS Item No. 7), December 14, 2014 (AIS Item No. 11), January 21, 2015 (AIS Item No. 14), and March 3, 2015 (AIS Item No. 19).

Pastor Mario Benitez filed a request for hearing on March 3, 2015 (AIS Item No. 21).

Staff recommended sufficiency on March 31, 2015 (AIS Item No. 23). Order No. 8 deemed the Application sufficient for filing. On May 26, 2015, the Applicant filed affidavits of notice. Order No. 10 extended Staff's deadline to request a hearing or make a recommendation to August 18, 2015, so that Staff could review the additional information that it requested from the Applicant on July 31, 2015 that Staff needed to complete the technical review. Staff never received the information it requested. Order No. 11 allowed the Applicant a last opportunity to provide Staff with the requested information by August 24, 2015 or potentially face dismissal of the Application.

To date, the Applicant has filed no response. Order No. 11 allowed Staff until September 2, 2015 to make a recommendation. Therefore, this pleading is timely filed.

II. RECOMMENDATION

Applicant and has not provided sufficient information to demonstrate it can satisfy the financial and managerial requirements of Tex. Water Code § 13.241(a). Therefore, Staff recommends that this matter be referred to the State Office of Administrative Hearings (SOAH). September 9, 2015 is the Commission's 120-day deadline to approve, deny, or refer this matter to SOAH pursuant to 16 TAC § 24.109(e).

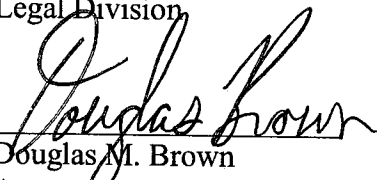
III. CONCLUSION

Staff respectfully requests that the ALJ issue an order consistent with the above recommendation.

Respectfully Submitted,

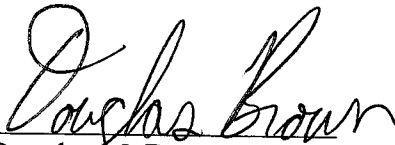
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DOCKET NO. 43183
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 2, 2015 in accordance with P.U.C. 16 TAC § 22.74.


Douglas M. Brown