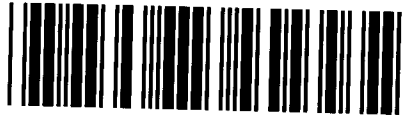




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## ORDER NO. 3

## Application

On February 28, 2014, English Acres and Dario V. Guerra III d/b/a Derby, Ing. (Derby) filed with the Texas Commission on Environmental Quality (TCEQ) an application for the sale, transfer or merger of facilities and certificate of convenience and necessity. On June 16, 2014, TCEQ issued a notice of deficiency requiring Applicants to provide supplemental information. On September 1, 2014, the processing of the application was transferred to the Public Utility Commission of Texas (Commission).

## II. Staff Comments on Status of Application

On October 28, 2014, Commission Staff filed comments on the application. Commission Staff has determined that the application is deficient for further review pursuant to P.U.C. SUBST. R. 24.109 because material deficiencies exist, as specifically described in Commission Staff's October 28, 2014 filing and the attached memorandum of Debbie Reyes Tamayo, Program Specialist, Water Utilities Division. Derby has not yet cured the application's deficiencies. In addition, Staff further identified that English Acres has accrued penalties for fiscal years 1996-2014 that remain outstanding.

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.

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### III. Proposed Procedural Schedule

Commission Staff proposes that Applicant be given thirty (30) days to address the deficiencies identified by Commission Staff. Commission Staff proposes to file additional comments regarding completeness of the amended application, along with a proposed procedural schedule once the application is administratively complete.

Applicants' deadline to cure deficiencies of the sale, transfer, merger application and pay applicable penalties	December 1, 2014
Deadline for Commission Staff to file a recommendation on administrative completeness of application and notice to customers, and if appropriate recommend an additional procedural schedule	December 15, 2014

### IV. Finding Application Incomplete and Deficient, Providing Opportunity to Cure

Consistent with Commission Staff's recommendation, the application is found administratively incomplete and deficient. On or before **December 1, 2014**, Applicants shall amend their 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 an additional procedural schedule if appropriate.

SIGNED AT AUSTIN, TEXAS the 30th day of October 2014.

PUBLIC UTILITY COMMISSION OF TEXAS

  
IRENE MONTELONGO  
DIRECTOR, DOCKET MANAGEMENT