

Control Number: 43248



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DOCKET NO. 43248

PETITION OF WALTON TEXAS, L.P.  
FOR REVOCATION OF OR TO  
AMEND SWEETWATER UTILITY,  
LLC'S SEWER CERTIFICATE OF  
CONVENIENCE AND NECESSITY BY  
EXPEDITED RELEASE IN HAYS  
COUNTY

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PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
FILING CLERK OF TEXAS

**ORDER NO. 4  
FINDING PETITION INCOMPLETE AND DEFICIENT AND  
ESTABLISHING DEADLINES**

**I. Petition**

On September 19, 2014, Walton Texas, L.P. filed with the Public Utility Commission of Texas (Commission) a petition for revocation of or expedited release of certain property from Sweetwater Utility, LLC's sewer certificate of convenience and necessity (CCN) No. 20887, pursuant to TEX. WATER CODE § 13.254(a)(1), 13.254(a-1), and/or 13.254(a-5) and P.U.C. SUBST. R. 24.113. On October 1, 2014, Order No. 2 was issued, dismissing the petition under TEX. WATER CODE § 13.254(a-5), finding the petition deficient but curable under TEX. WATER CODE § 13.254(a-1) and finding the petition sufficient for further processing under TEX. WATER CODE § 13.254(a)(1). On September 26, October 31, November 3, and November 13, 2014, Walton supplemented its petition. In its November 13, 2014 supplement,<sup>1</sup> Walton clarified that its petition should be processed pursuant to TEX. WATER CODE § 13.254(a-1) and P.U.C. SUBST. R. 24.113(b).

**II. Staff Recommendation on Administrative Completeness of the Petition**

On November 14, 2014, Commission Staff filed comments on the petition, as supplemented. Commission Staff has determined that the petition is not administratively complete because it does not meet the statutory requirements of TEX. WATER CODE § 13.254(a-1) and P.U.C. SUBST. R. 24.24.113(b), as specifically described in Commission Staff's November

<sup>1</sup> Third Supplement to & in Support of Walton's Petition for Revocation of CCN No. 20887, or in the Alternative, Amendment for Expedited Release from CCN No. 210887, Nov. 13, 2014, at 1.

14, 2014 filing and the attached memorandum of Ahmad A. Tavakoly, Staff Engineer, Water Utilities Division. Pursuant to P.U.C. SUBST. R. 24.8(a), petitions are not considered filed until a determination of administrative completeness is made, thus at this time the petition is not considered filed with the Commission.

### III. Proposed Procedural Schedule

Commission Staff proposes that Walton be given an opportunity to cure the deficiencies identified in its November 14, 2014 filing. Commission Staff proposed the following procedural schedule for the remainder of this proceeding.

Deadline for Walton to file information to cure the petition's deficiencies pursuant to TEX. WATER CODE § 13.254(a-1) and P.U.C. SUBST. R. 24.113(b)	December 19, 2014
Deadline for CCN holder to object	January 9, 2015
Deadline for Commission Staff to file a recommendation on administrative completeness and proposed deadline for Staff to file a final recommendation or additional procedural schedule	January 16, 2015
Deadline for the Commission to issue an order granting or denying the petition pursuant to TEX. WATER CODE § 13.254(a-1) and P.U.C. SUBST. R. 24.113(b)	60 days from the date the petition is deemed administratively complete


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

Consistent with Commission Staff's recommendation, Walton's petition remains administratively incomplete and deficient under TEX. WATER CODE § 13.254(a-1). On or before **December 19, 2014**, Walton shall further supplement its petition to cure the deficiencies identified by Commission Staff in its November 14, 2014 filing. Processing of the petition cannot proceed until the requested items and information are received. On or before **January 9, 2015**, Sweetwater shall file any response or objections it has to the petition.

Commission Staff shall file a supplemental recommendation regarding administrative completeness of Walton's petition and notice by **January 16, 2015**. Additional deadlines or a procedural schedule for the remainder of the proceeding will be adopted at that time. .

SIGNED AT AUSTIN, TEXAS the 18<sup>th</sup> day of November 2014.

PUBLIC UTILITY COMMISSION OF TEXAS

  
SUSAN E. GOODSON  
ADMINISTRATIVE LAW JUDGE

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