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DOCKET NO. 43248

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PUBLIC UTILITY COMMISSION
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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 §

PUBLIC UTILITY COMMISSION
OF TEXAS

**ORDER NO. 2
FINDING PETITION INCOMPLETE FOR EXPEDITED RELEASE BUT COMPLETE
FOR PARTIAL REVOCATION AND ESTABLISHING DEADLINES**

I. Petition

On September 19, 2014, Walton Texas, L.P. (Walton) filed with the Public Utility Commission of Texas (Commission) a petition for revocation of or expedited release from Sweetwater Utility, LLC's sewer certificate of convenience and necessity (CCN) No. 20887, pursuant to Texas Water Code § 13.254(a)(1), 13.254(a-1), and/or 13.254(a-5) and P.U.C. SUBST. R. 24.113.

II. Staff Recommendation on Administrative Completeness of Petition

On September 29, 2014, Commission Staff filed comments on the administrative completeness of the petition based on the three alternative statutes that Walton requested. First, Commission Staff finds that the petition is incomplete for further review under TEX. WATER CODE § 13.254(a-5) and P.U.C. SUBST. R. 24.113(r). In addition, because a proceeding under this statute and rule must be completed no later than the 60th day after the date the landowner filed the petition, Commission Staff recommended that Walton's request to review the petition under § 13.254(a-5) be dismissed without prejudice to reapply.

Second, Commission Staff found that the petition is incomplete but curable under TEX. WATER CODE § 13.254(a-1) and P.U.C. SUBST. R. 24.113(b). Therefore, because Walton's request might qualify for expedited release under TEX. WATER CODE § 13.254(a-1) if the deficiencies are cured, Commission Staff recommended allowing Walton time to cure the deficiencies in its petition as detailed in the memorandum of Ahmad Tavakoly, Staff Engineer,

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Water Utilities Division. Commission Staff proposed a deadline of October 20, 2014, for Walton to address the deficiencies noted in Commission Staff's memorandum.

Lastly, Commission Staff recommended abating this proceeding until it can be determined if it can be processed under TEX. WATER CODE § 13.254(a-1). And if it cannot, Commission Staff found the petition is sufficient under TEX. WATER CODE § 13.254(a)(1) and P.U.C. SUBST. R. 24.113(a)(1) and recommends further processing of the petition pursuant to this rule and related statute.

III. Staff Recommendation on Notice

Commission Staff determined that Walton's petition satisfies the notice requirements of TEX. WATER CODE § 13.254(a)(1), (a-1), and (a-5) and P.U.C. SUBST. R. 24.113(a)(1), (b), and (r).

IV. Finding Petition Deficient and Opportunity to Cure

Consistent with Commission Staff's recommendation, Walton's notice of this petition is deemed sufficient. In addition, consistent with Walton's petition which argued three statutes in the alternative and Commission Staff's three related recommendations:

(1) Walton's petition is deemed administratively incomplete and incurable for purposes of TEX. WATER CODE § 13.254(a-5). Consistent with Staff's recommendation, this claim, which pursuant to P.U.C. SUBST. R. 24.113(s) must be completed within 60 days of when the petition was filed, is dismissed without prejudice to Walton reapplying.

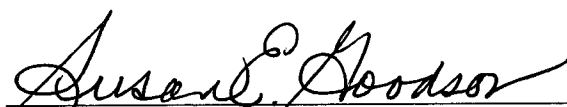
(2) Walton's petition is deemed administratively incomplete but curable for purposes of TEX. WATER CODE § 13.254(a-1). Pursuant to P.U.C. SUBST. R. 24.113(d), a proceeding under TEX. WATER CODE § 13.254(a-1) must be completed within 60 calendar days of a determination that the petition is administratively complete. Therefore, on or before **October 20, 2014**, Walton shall file an amended petition to cure the deficiencies noted by Commission Staff for processing pursuant to this statute, and Commission Staff shall file a final recommendation on administrative completeness of the petition under TEX. WATER CODE § 13.254(a-1) no later than **November 3, 2014**.

(3) Walton's petition is deemed administratively complete for purposes of TEX. WATER CODE § 13.254(a)(1). Pursuant to P.U.C. SUBST. R. 24.113(a) a proceeding under TEX. WATER CODE § 13.254(a)(1) can be completed at any time after notice and hearing. Commission Staff recommended that this petition qualifies for processing under this statute.

No later than **November 3, 2014** Commission Staff shall also recommend which statute controls this petition and recommend a procedural schedule for the remainder of this proceeding.

SIGNED AT AUSTIN, TEXAS the 1ST day of **October 2014**.

PUBLIC UTILITY COMMISSION OF TEXAS



SUSAN E. GOODSON

ADMINISTRATIVE LAW JUDGE