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DOCKET NO. 43255

APPLICATION OF NLP SUMMIT  
SPRINGS, LLC FOR A WATER  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN BURNET AND  
BLANCO COUNTIES (37914-C)

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PUBLIC UTILITY COMMISSION  
OF TEXAS

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**ORDER NO. 3  
FINDING APPLICATION DEFICIENT,  
ESTABLISHING DEADLINES AND OPPORTUNITY TO CURE**

**I. Application**

On May 9, 2014, NLP Summit Springs, LLC (NLP) filed an application for a water certificate of convenience and necessity in Burnet and Blanco Counties, Texas.

**II. Staff Recommendation on Administrative Completeness of Application**

On October 8, 2014, Public Utility Commission of Texas (Commission) Staff filed a response to Order No. 2 regarding the administrative completeness of the application, the sufficiency of notice, and a procedural schedule. Commission Staff has determined that the application is deficient as specifically described in the attached memorandum of Leila Guerrero, Regulatory Accountant/Auditor, Water Utilities Division. P.U.C. SUBST. R. 24.102(a)(1) requires the Commission to ensure that an applicant for a certificate of convenience and necessity has a public water system that has been approved by the Texas Commission on Environmental Quality (TCEQ). However, Commission Staff stated that TCEQ has not finalized its review of NLP's water system plan. TCEQ has given NLP 100 calendar days from August 26, 2014 to comply with the TCEQ requirements for public water system review.

**III. Proposed Procedural Schedule**

Commission Staff proposes that NLP be given ninety (90) days to address the deficiencies noted in Commission Staff's memorandum. Commission Staff will file additional comments regarding completeness of the amended application, along with a proposed procedural schedule once the application is administratively complete.

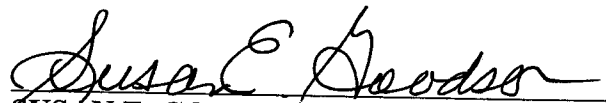
**IV. Finding Application Deficient and Opportunity to Cure**

Consistent with Commission Staff's recommendation, NLP's application is found to be deficient. On or before **January 6, 2015**, NLP Summit 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.

Commission Staff shall file a supplemental recommendation regarding the administrative completeness of the amended application and notice along with a proposed procedural schedule within ten working days of receipt of the amended application.

SIGNED AT AUSTIN, TEXAS the 16<sup>th</sup> day of October 2014.

**PUBLIC UTILITY COMMISSION OF TEXAS**



**SUSAN E. GOODSON**

**ADMINISTRATIVE LAW JUDGE**