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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**

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PUBLIC UTILITY COMMISSION

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PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Recommendation on Sufficiency, and would show the following:

I. BACKGROUND

On May 9, 2014, NLP Summit Springs, LLC (NLP or Applicant) filed an application (Application) to obtain a Certificate of Convenience and Necessity (CCN) with the Texas Commission on Environmental Quality (TCEQ) pursuant to TEX. WATER CODE ANN. § 13.241. On July 14, 2014, NLP submitted plans for its proposed Public Water System (PWS) for approval by the TCEQ. Although, the water utilities program transferred from the TCEQ to the Commission on September 1, 2014, the PWS program remains under the jurisdiction of the TCEQ.

On December 9, 2014, NLP filed a request for an extension of time to address the Application's deficiencies. NLP stated it was still waiting on action by the TCEQ regarding approval of its planned PWS. On November 19, 2014, TCEQ conditionally approved NLP's PWS application, and in a letter received on December 22, 2014 and addressed to Lisa Fuentes of the Water Utilities Division, NLP requested an additional extension of time so that its PWS application could be officially approved. Order No. 5 allowed NLP until April 6, 2015 to cure the deficiencies in the Application. NLP received approval of its PWS application from TCEQ, and supplemented the Application with two additional filings. Order No. 5 also allowed Staff until April 22, 2015 to file a supplemental recommendation on sufficiency. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON SUFFICIENCY

As detailed in the attached memorandum (Attachment A) of Leila Guerrero of the Water Utilities Division, Staff recommends that the Application be deemed sufficient. Applicant provided proper notice, and no comments or requests for hearing were received within the comment period, which ended on October 10, 2014. The supplemental filings to the Application cured the previously noted deficiencies.

III. PROPOSED PROCEDURAL SCHEDULE

Deadline for Staff to file a final recommendation	May 12, 2015
Deadline for the Applicant to file a response to Staff's final recommendation	May 19, 2015
Deadline for the parties to file a joint proposed notice of approval	June 17, 2015

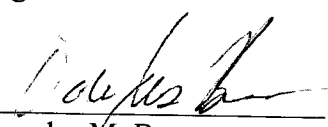
IV. CONCLUSION

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

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

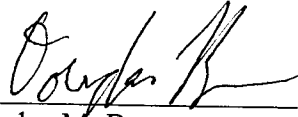
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CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record on April 22, 2015 in accordance with P.U.C. Procedural Rule 22.74.



Douglas M. Brown

ATTACHMENT A

PUC Interoffice Memorandum

To: Douglas Brown, Attorney
Legal Division

Thru: Tammy Benter, Director
Water Utilities Division

From: Leila Guerrero, Regulatory Accountant/Auditor
Water Utilities Division

Date: April 21, 2015

Subject: Docket No. 43255; Application of NLP Summit Springs, LLC, for a water Certificate of Convenience and Necessity in Burnet County (37914-C)

On May 9, 2014, the NLP Summit Springs, LLC, (Applicant) filed an application with the Texas Commission on Environmental Quality (TCEQ) to obtain a water Certificate of Convenience and Necessity (CCN) in Burnet and Blanco Counties, pursuant to the criteria in the Texas Water Code, Chapter 13, and the TCEQ's rules outlined in Title 30, Texas Administrative Code (TAC), Sections 291.102 and 291.105. On September 1, 2014, the rates and CCN programs were transferred from the TCEQ to the Public Utility Commission (PUC). This application was part of the transfer and is now under the PUC's purview. The application is now being reviewed under the PUC's Substantive Rules in Chapter 24, §§24.102 & 24.105.

In response to Order No. 5, Staff offers the following information:

- In order No. 2, the Commission noted that Staff had found the Applicant's public notice sufficient.
- On January 29, 2015, the Applicant filed documentation showing that it had received TCEQ approval for construction of its public water system which will provide water service to the area subject to this application.
- On April 17, 2015, the Applicant filed documents supporting its water tariff rates.

Staff has reviewed the above referenced documents along with the rest of the application and finds the application is sufficient for filing and recommends the continued processing of the application.