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DOCKET NO. 43360

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APPLICATION OF THE CITY OF §
PLEASANTON FOR CERTIFICATES §
OF CONVENIENCE AND NECESSITY §
IN ATASCOSA COUNTY (37978-C & §
37991-C) §

2015 JAN 12 PM 2:19
PUBLIC UTILITY COMMISSION
PUBLIC UTILITY DIVISION
FILING CLERK
OF TEXAS

**ORDER NO. 5
SECOND NOTICE
FINDING APPLICATION INCOMPLETE AND DEFICIENT,
ESTABLISHING DEADLINES AND OPPORTUNITY TO CURE**

I. Amended Application

On December 1, 2014, in response to Order No. 3, the City of Pleasanton (City or Applicant) amended its application to address the deficiencies noted by Public Utility Commission of Texas (Commission) Staff. The deadline for Commission Staff to file comments on the amended application was extended to January 8, 2015.

II. Staff Recommendation on Administrative Completeness of the Application

On January 8, 2015, Commission Staff filed comments on the amended application. Commission Staff has determined that the application continues to be deficient because it contains material deficiencies, as specifically described in Commission Staff's January 8, 2015 filing and the attached memorandum of George Gogonas, Utility Rates Analyst/Auditor, Water Utilities Division. 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.

In addition, the City's proposed notice does not meet the requirements of P.U.C. SUBST. R. 24.106. Applicant should not send out notice to affected parties until these discrepancies are corrected.

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

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comments regarding completeness of the amended application, along with a proposed procedural schedule once the application is administratively complete.

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

Consistent with Commission Staff's recommendation, the City of Pleasanton's application is found administratively incomplete and deficient. On or before **February 12, 2015**, the City of Pleasanton 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.

On or before **March 12, 2015**, Commission Staff shall file a supplemental recommendation regarding administrative completeness of the amended application and notice along with a proposed procedural schedule.

SIGNED AT AUSTIN, TEXAS the 12th day of January 2015.

PUBLIC UTILITY COMMISSION OF TEXAS

[Handwritten Signature]
For **SUSAN E. GOODSON**
ADMINISTRATIVE LAW JUDGE