



Control Number: 43366



Item Number: 10

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DOCKET NO. 43366

**APPLICATION OF THE CITY OF
PRIMERA FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
CAMERON COUNTY (37871-C)**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

2014 OCT 28 PM 2:43
FILED

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 2 AND MOTION TO
DISMISS DOCKET NO. 43366**

COMES NOW, Staff (Staff) of the Public Utility Commission of Texas (PUC) and files this Staff's Response to Order No. 2 and Motion to Dismiss Docket No. 43366.

I. BACKGROUND

On March 17, 2014, The City of Primera (Applicant) filed with the Texas Commission on Environmental Quality (TCEQ) an application for a water Certificate of Convenience and Necessity (CCN) in Cameron County, Texas. On June 5, 2014, the TCEQ sent the Applicant a notice of deficiency (NOD), directing the Applicant to provide additional mapping information and written descriptions of the proposed area. The TCEQ's NOD states that if this information is not provided by July 7, 2014, the application would be returned for failure to prosecute. On July 7, 2014, the Applicant sent the TCEQ revised mapping; however, it still did not meet the TCEQ's mapping requirements. On August 26, 2014, the TCEQ sent a letter notifying the Applicant that since its revised mapping did not cure the application's deficiencies, the application has been administratively closed.

II. AIS ITEM NO. 7

Staff has reviewed AIS Item No. 7 and has determined that it is not an amended application, but rather a portion of the Applicant's original application filed with the TCEQ on March 17, 2014.

III. MOTION TO DISMISS DOCKET NO. 43366

The TCEQ administratively closed Applicant's application, as evidenced by the letter dated August 26, 2014; a copy of this letter is attached. This matter transferred to the Public Utility Commission of Texas on September 1, 2014 and has been assigned docket number 43366. No motion to overturn was filed at the TCEQ before September 1 or at the Public Utility Commission thereafter. Consequently, Staff finds, the decision of the TCEQ is no longer subject to challenge. Therefore, Staff respectfully requests this docket be closed.

IV. CONCLUSION

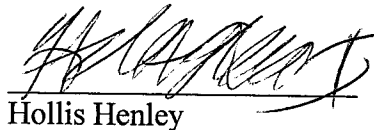
Staff respectfully requests that the Administrative Law Judge enter an order in accordance with this filing.

DATED: October 28, 2014

Respectfully Submitted,

Joseph P. Younger
Division Director
Legal Division

Karen S. Hubbard
Managing Attorney
Legal Division

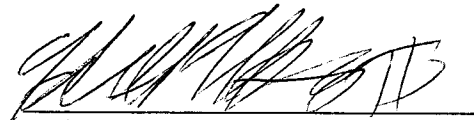


Hollis Henley
Attorney-Legal Division
State Bar No. 24066672
(512) 936-7230
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 43366

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on October 28, 2014, in accordance with P.U.C. Procedural Rule 22.74.

A handwritten signature in black ink, appearing to read 'Hollis Henley', is written over a horizontal line.

Hollis Henley

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY 91 7199 9991 7031 8235 3758

Protecting Texas by Reducing and Preventing Pollution

August 26, 2014

BY FAX TO 956/381-1280 AND
BY CERTIFIED MAIL

Mr. Raul E. Garcia, P.E., R.P.L.S.
116 N. 12th
Edinburg, Texas 78541

Re: Application from the City of Primera, A2185, to Obtain a water Certificate of Convenience and Necessity (CCN) in Cameron County; Application No. 37871-C

CN: pending; RN: pending

Dear Mr. Garcia:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced application on March 17, 2014. A Notice of Deficiency letter was sent on June 5, 2014, requesting revised mapping. The revised mapping, received on July 7, 2014, did not meet the TCEQ mapping requirements.

This letter is to notify you that the application has been administratively closed. A copy of your application is enclosed. No response is required by you. Effective September 1, 2014, responsibility for regulating water and wastewater rates and CCNs will transfer to the Public Utility Commission of Texas (PUC). After September 1, 2014, please submit all correspondence to the address below:

Public Utility Commission
Water Utilities Division
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326

If you have any questions, please contact Ms. Lisa Fuentes at 512/239-6117 or by email at Lisa.Fuentes@tceq.texas.gov. Ms. Fuentes will be your contact for this application at the PUC after September 1, 2014.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cari-Michel La Caille".

Cari-Michel La Caille, Assistant Director
Water Supply Division
Texas Commission on Environmental Quality

CML/CM/mmg

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

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