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DOCKET NO. 43452

**APPLICATION OF THE TOWN OF
LITTLE TO AMEND ITS
CERTIFICATE OF CONVENIENCE
AND NECESSITY AND TO
DECERTIFY PORTIONS OF
CERTIFICATES HELD BY MUSTANG
SPECIAL UTILITY DISTRICT AND
TERRA SOUTHWEST INC. IN
DENTON COUNTY (37896-C, 37897-C)**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**
2014 MAR 26 PM
PUBLIC UTILITY COMMISSION
CLERK

COMMISSION STAFF'S REQUEST FOR AN EXTENSION

Commission Staff (Staff) of the Public Utility Commission of Texas (Commission) files its Supplemental Recommendation. Staff requests that the deadline to file a supplemental recommendation be extended from March 26, 2015 to April 9, 2015. In support of its Request for an Extension, Staff states the following:

I. Background

On April 24, 2014, the Town of Little Elm filed an application with the Texas Commission of Environmental Quality (TCEQ). The Town of Little Elm requested an amendment to its water and sewer certificates of convenience and necessity (CCN Nos. 11202 and 20931, respectively) and to decertify portions of CCNs held by Mustang Special Utility District and Terra Southwest Inc. The Town of Little Elm also requests the approval of the addition of certain service areas currently served by Terra Southwest Inc., an investor-owned utility. The Town of Little Elm's service area is in Denton County, Texas.

On September 1, 2014, the processing of the Town of Little Elm's application was transferred from the TCEQ to the Commission.

On November 4, 2014, the Administered Law Judge entered Order No. 2, which required Staff to file a status update regarding the Town of Little Elm's application by December 12, 2014.

On December 12, 2014, Staff filed its Status Update. In its Status Update, Staff identified certain deficiencies in the Town of Little Elm's application. Staff recommended that the Town of Little Elm be given time to cure the deficiencies identified by Staff. Additionally, Staff recommended that the Town of Little Elm's application should exclude any transfer of

service areas from the Town of Little Elm to Terra Southwest Inc. Because Terra Southwest Inc. is an investor-owned utility, the Texas Water Code requires Terra Southwest Inc. to file an application for the transfer of such service areas.¹

On February 12, 2015, the Administrative Law Judge entered Order No. 5, which extended the deadline, for a second time, for the Town of Little Elm to cure its deficiencies to April 2, 2015. Order No. 5 also required Staff to file a supplemental recommendation regarding cured deficiencies within ten (10) working days of such cure.

On March 12, 2015, the Town of Little Elm filed additional documents in response to Staff's Status Update.

II. Request for an Extension

The Commission's procedural rules permit deadlines to be extended upon a showing of good cause.² There is good cause in this proceeding because Staff needs additional time to review the documents and mapping submitted by the Town of Little Elm. Thus, Staff requests that the deadline to file its supplemental recommendation be extended from March 26, 2015 to April 9, 2015. To the extent possible, Staff will file its recommendation earlier than the requested April 9, 2015 deadline.

III. Conclusion

Staff requests that the deadline to file a supplemental recommendation be extended from March 26, 2015 to April 9, 2015.

¹ See TEX. WATER CODE § 13.002(23) (defining "utility"); TEX. WATER CODE § 13.301 (requiring a utility to file a sale, transfer, merger application for the transfer of a water system).

² 16 Tex. Admin. Code § 22.4(b).

Date: March 26, 2015

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 26, 2015, in accordance with P.U.C. PROC. R. 22.74.



Sam Chang