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DOCKET NO. 43452

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**APPLICATION OF THE TOWN OF
LITTLE ELM 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

2015 DEC -8 PM 4:26
PUBLIC UTILITY COMMISSION
FILING CLERK

ORDER NO. 14

**FINDING APPLICATION REMAINS INCOMPLETE AND DEFICIENT,
ESTABLISHING DEADLINES AND OPPORTUNITY TO CURE**

I. Application

On April 24, 2014, the Town of Little Elm (Little Elm) filed an application to amend its sewer certificate of convenience and necessity (CCN) No. 20931 seeking to add additional service area in Denton County. However, the Town of Lakewood Village (Lakewood) is seeking to add the same service area to its sewer CCN.¹ On June 3, 2015, this case was abated to allow Little Elm and Lakewood an opportunity to negotiate a resolution regarding city boundaries. On October 21, 2015, Little Elm submitted additional mapping information reflecting its negotiated resolution with Lakewood regarding the boundaries.

II. Proposed Procedural Schedule

On December 7, 2015, Public Utility Commission of Texas (Commission) Staff filed a supplemental recommendation that the application remains insufficient and not administratively complete because it contains material deficiencies, as specifically described in the pleading and attached memorandum of Debbie Reyes Tamayo and Tracy Harbour in the Commission's Water Utility Regulation Division.

Commission Staff proposes that Applicant be given thirty (30) days to address the deficiencies identified by Commission Staff. Commission Staff proposes to file additional comments regarding completeness of the amended application, along with a proposed procedural schedule once the application is supplemented.

¹ See *Application of Town of Lakewood Village to Amend its Sewer Certificate of Convenience and Necessity and to Decertify a Portion of the Town of Little Elm's Certificate in Denton County*, Docket 43145 (pending).

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III. Finding Application Incomplete and Deficient, Providing Opportunity to Cure

Consistent with Commission Staff's recommendation, Little Elm's application remains administratively incomplete and deficient. Pursuant to 16 Tex. Admin. Code § 24.8(a), applications are not considered filed until a determination of administrative completeness is made, thus at this time this application is not considered filed with the Commission. On or before **January 7, 2016**, Little Elm shall file supplemental information to cure the deficiencies identified by Commission Staff. Processing of the application cannot proceed until the requested items are received and reviewed.

Commission Staff shall file a supplemental recommendation regarding 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 8th day of December 2015.

PUBLIC UTILITY COMMISSION OF TEXAS



SUSAN E. GOODSON
ADMINISTRATIVE LAW JUDGE