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PUC DOCKET NO. 44380

**APPLICATION OF THE CITY OF
AUSTIN TO CANCEL WATER AND
SEWER CERTIFICATES OF
CONVENIENCE AND NECESSITY
HELD BY LOST CREEK MUNICIPAL
UTILITY DISTRICT IN TRAVIS
COUNTY**

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PUBLIC UTILITY COMMISSION

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FILING CLERK

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COMMISSION STAFF'S RESPONSE TO ORDER NO. 6

Comes Now, Staff of the Public Utility Commission of Texas (Staff) and files this Response to Order No. 6. In support thereof, Staff shows the following:

I. BACKGROUND

On January 28, 2015, the City of Austin (COA) filed with the Commission an application (Application) requesting to cancel Lost Creek MUD's (Lost Creek or Applicant) water certificate of convenience (CCN) No. 10307 and wastewater CCN No. 20118 in Travis County, Texas. The Application is being reviewed under the 16 Tex. Admin. Code § 24.115 (TAC).

COA filed the Application on behalf of the Applicant, as is noted in the supplemental materials filed on June 5, 2015. COA annexed the Applicant and all of its water and wastewater customers on December 1, 2014. The Applicant asked that the Commission waive newspaper notice, as it believes the newspaper notice provided to the customers during the annexation process was sufficient to alert affected parties that COA was taking over.

Order No. 5 deemed the Application sufficient and instructed the Applicant to issue notice. The Applicant timely filed some of the required notice documents on August 5, 2015. Order No. 6 instructed the Applicant to provide evidence of amended notice by October 15. Order No. 6 also allowed Staff until November 18, 2015 to file a supplemental recommendation. Therefore, this pleading is timely filed.

Philip A. Howry filed comments regarding this matter on November 4, 2015.

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II. RECOMMENDATION

Staff recommends that the notice issued by the Applicant remains insufficient. To date, the Applicant has filed nothing responsive to Order No. 6. Therefore, Staff recommends the Applicant be ordered to issue notice to existing customers consistent with Staff's September 18, 2015 recommendation and Order No. 6 or face potential dismissal of the Application.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Deadline for the Applicant to submit an affidavit of notice to the customers, the notice actually issued, and the attached map.	December 15, 2015
Deadline for affected parties, other than Staff, to file comments, intervene, or request a hearing.	30 days after notice is issued
Deadline for Commission Staff to request a hearing or to file a supplemental procedural schedule.	January 23, 2016

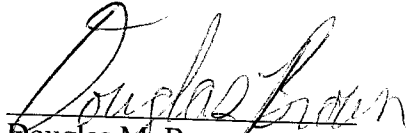
IV. CONCLUSION

Staff respectfully requests the entry of an order consistent with the above recommendations.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

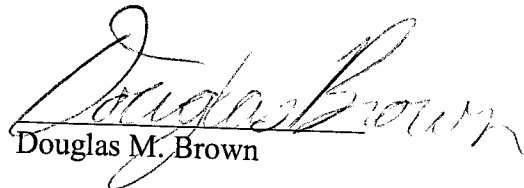
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on November 18, 2015 in accordance with 16 TAC § 22.74.



Douglas M. Brown