



Control Number: 44380



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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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**PUBLIC UTILITY COMMISSION  
FILING CLERK**

**TEXAS**

**COMMISSION STAFF'S RECOMMENDATION ON FURTHER PROCESSING OF  
THE APPLICATION**

Comes Now, Staff of the Public Utility Commission of Texas (Staff) and files this Commission Staff's Recommendation on Further Processing of the Application, 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. Since the Applicant was unresponsive to Order No 6, Order No. 7 extended the Applicant's deadline to December 15, 2015 and instructed Staff to file a recommendation by January 26, 2016.

## II. RECOMMENDATION

Staff recommends that the Application be dismissed without prejudice for failure to prosecute pursuant to 16 TAC § 22.181 if the Applicant does not cure the notice deficiencies or file a statement of its intention to continue to prosecute the Application by February 9, 2016. To date, the Applicant has filed nothing responsive to Order No. 6 or 7. Additionally, Staff was unsuccessful in contacting the Applicant in November of 2015, and Staff left a message for the Applicant's representative on January 26, 2016.

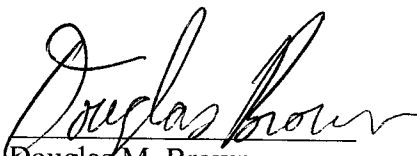
## III. CONCLUSION

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

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

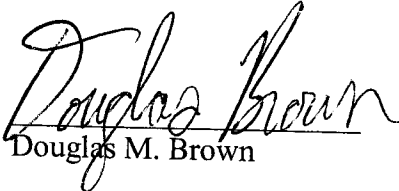
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**DOCKET NO. 44380**  
**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on January 26, 2016 in accordance with 16 TAC § 22.74.

  
Douglas M. Brown