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DOCKET NO. 44656

APPLICATION OF NI PACOLET §  
MILLIKEN UTILITIES, LLC TO §  
PURCHASE AND TRANSFER THE §  
STOCK OF NI AMERICA TEXAS, LLC §

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2015 MAY 19 PM 3:35  
PUBLIC UTILITY COMMISSION  
OF TEXAS FILING CLERK

**ORDER NO. 2  
FINDING APPLICATION ADMINISTRATIVELY INCOMPLETE,  
REQUIRING FILINGS, GRANTING MOTION TO RECLASSIFY  
TRANSACTION, AND RESTYLING THE DOCKET**

**I. Application**

On May 15, 2015, Commission Staff filed a recommendation on administrative completeness. Commission Staff has determined that the application is not administratively complete because it contains material deficiencies, as specifically described in the attached memorandum of Jose Castillo of the Water Utilities Division. Pursuant to 16 Tex. Admin. Code § 24.8(a) (TAC), applications are not considered filed until a determination of administrative completeness is made; therefore, at this time the application is not considered filed with the Commission.

In addition, Commission Staff determined that the proposed notice does not meet the requirements of 16 TAC § 24.112(c). Ni America Texas, LLC and Ni Pacolet Milliken Utilities, LLC (collectively, Applicants) should not mail or publish the provided notice until the discrepancies are corrected.

Finally, because deficiencies in the application and notice exist, Commission Staff does not recommend a procedural schedule for the evaluation of the merits of the application at this time.

Consistent with Commission Staff's recommendation, the application and notice are administratively incomplete and deficient. On or before **June 1, 2015**, Applicants shall amend the application and notice to cure the deficiencies described by Commission Staff.

Commission Staff shall file a supplemental recommendation regarding administrative completeness along with a proposed procedural schedule, if appropriate, on or before **June 29, 2015**.

## II. Motion to Reclassify Transaction

On May 14, 2015, Applicants moved to have this application considered as a purchase and transfer of voting stock in another utility pursuant to Tex. Water Code Ann. § 13.302 (TWC) and 16 TAC § 24.111.

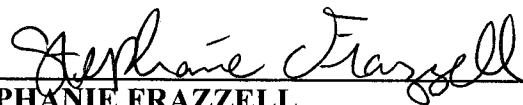
Within Commission Staff's preceding recommendation, Commission Staff addressed Applicants' motion to reconsider this application as a purchase and transfer of voting stock. Commission Staff stated a belief that the deficiencies already identified pursuant to TWC § 13.301 and 16 TAC §§ 24.106, 24.109, and 24.112 also apply to the application pursuant to TWC § 13.302 (TWC) and 16 TAC § 24.111. Accordingly, Applicants' motion is granted.

## III. Restyling

As a result of granting Applicants' preceding motion, from this Order forward, the docket is restyled as reflected in this Order.

SIGNED AT AUSTIN, TEXAS on the 19<sup>th</sup> day of May 2015.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**STEPHANIE FRAZZELL**  
**ADMINISTRATIVE LAW JUDGE**