

Control Number: 45180



Item Number: 15

Addendum StartPage: 0

APPLICATION OF THE CITY OF
AUSTIN TO AMEND ITS SEWER
CERTIFICATE OF CONVENIENCE
AND NECESSITY AND ADD AREA
TO AQUA WATER SUPPLY
CORPORATION'S d/b/a AQUA WSC'S
SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
TRAVIS COUNTY

§
§
§
§
§
§
§
§
§

PUBLIC UTILITY COMMISSION

OF TEXAS

2016 MAY -4 PM 1:36

PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S RECOMMENDATION THAT APPLICATION BE FOUND INCOMPLETE AND DEFICIENT

Comes now the staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 5. In support thereof, Staff would show the following:

I. BACKGROUND

On March 8, 2016, the Administrative Law Judge issued Order No. 5, requiring Staff to file a supplemental recommendation regarding administrative completeness of the amended application and notice along with a proposed procedural schedule, if appropriate, on or before March 4, 2016. Therefore, this pleading is timely filed.

Order No. 5 also required the applicant to supplement its application to cure the deficiencies identified by Staff by April 4, 2016. To date, the applicant has not filed supplemental information.

II. STAFF RECOMMENDATION

Because the applicant has not filed supplemental information to cure the deficiencies, Staff continues to recommend that the application be found administratively incomplete for the reasons previously discussed in Staff's recommendation and Staff memorandum of Elisabeth English and Tracy Montes, both in the Water Utilities Division, filed on March 4, 2016.

Staff further recommends that the applicant correct these deficiencies by June 6, 2016 or that the application be dismissed for failure to prosecute.¹

¹ See 16 TAC § 22.181(a)(1)(F).

III. PROPOSED PROCEDURAL SCHEDULE

Staff is unable to recommend a procedural schedule at this time because the application is not administratively complete. Staff recommends, however, that the applicant be required to supplement its application as previously described in Staff's recommendation and memorandum filed on March 4, 2016 by **June 6, 2016**.

If the applicant does not supplement its application by June 6, 2016, Staff recommends that the application be dismissed for failure to prosecute.²

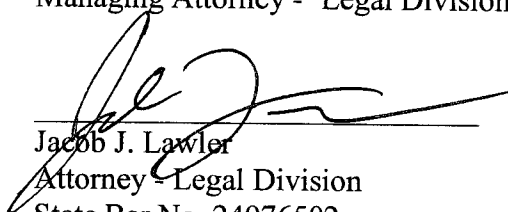
If the application is supplemented, Staff proposes that a deadline of **July 8, 2016** be set by which time Staff will file a supplemental recommendation on the administrative completeness of the application and sufficiency of notice, as well as comments/recommendation regarding how this petition should be processed and propose a procedural schedule.

Date: March 4, 2016

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director - Legal Division

Stephen Mack
Managing Attorney - Legal Division

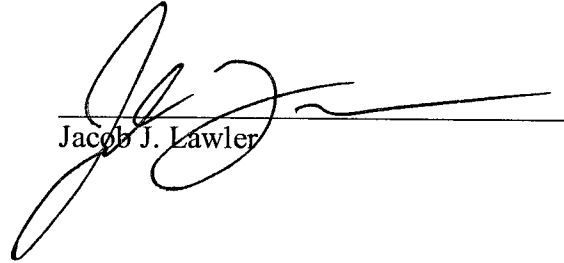


Jacob J. Lawler
Attorney - Legal Division
State Bar No. 24076502
(512) 936-7275
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

² *Id.*

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 4, 2016 in accordance with 16 TAC § 22.74.



Jacob J. Lawler