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DOCKET NO. 45844

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PETITION OF 121 PINEHURST LTD. §  
TO AMEND H-M-W SUD'S WATER §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY IN MONTGOMERY §  
COUNTY BY EXPEDITED RELEASE §

2016 MAY 13 PM 2:38  
PUBLIC UTILITY COMMISSION  
OF TEXAS  
CLERK

**ORDER NO. 2**  
**FINDING APPLICATION INCOMPLETE AND DEFICIENT,**  
**ESTABLISHING DEADLINES AND OPPORTUNITY TO CURE**

This Order addresses Commission Staff's May 12, 2016 recommendation that the petition filed by South Central Water Company, on behalf of Joe Fogarty and 121 Pinehurst Ltd., for expedited release from H-M-W Special Utility District's water certificate of convenience and necessity (CCN) No. 10342 in Montgomery County requires clarification and is not administratively complete.

**I. Staff Comments on the Expedited Release and Requiring Clarification**

Commission Staff recommended that as the landowner 121 Pinehurst is the proper party to have initiated this proceeding, not South Central Water Company. Commission Staff recommended that 121 Pinehurst, or its authorized legal representative, be required to clarify that 121 Pinehurst is the moving party in this case, not South Central. Accordingly, on or before **May 27, 2016**, 121 Pinehurst, or its authorized legal representative, shall provide the clarification requested by Commission Staff; demonstrating that 121 Pinehurst is the petitioner in this proceeding, not South Central.

**II. Staff Recommendation on Administrative Completeness of the Petition and Notice**

Commission Staff also recommended that the petition be deemed administratively incomplete because it contains material deficiencies, as specifically described in the pleading and the attached memorandum of Debbie Reyes Tamayo and Kristy Nguyen of the Commission's Water Utility Regulation Division. Commission Staff recommended 121 Pinehurst be given an opportunity to cure the deficiencies in its petition.

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### III. Finding Petition Incomplete and Deficient, and Providing Opportunity to Cure

Consistent with Commission Staff's recommendations, the petition is deemed administratively incomplete. Applications are not considered filed until a determination of administrative completeness is made,<sup>1</sup> thus at this time this petition is not considered filed with the Commission. On or before **June 2, 2016**, 121 Pinehurst may amend the petition to cure the deficiencies identified by Commission Staff. Processing of the petition cannot proceed until the requested items are received and reviewed. The 60-day timeline applicable for review of this petition commences from the date the Commission determines the petition to be administratively complete.

On or before **June 9, 2016**, Commission Staff shall file a supplemental recommendation regarding administrative completeness of the amended petition along with a proposed procedural schedule.

SIGNED AT AUSTIN, TEXAS the 13<sup>th</sup> day of May 2016.

PUBLIC UTILITY COMMISSION OF TEXAS

  
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SUSAN E. GOODSON  
ADMINISTRATIVE LAW JUDGE

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<sup>1</sup> 16 Tex. Admin. Code § 24.8(a).