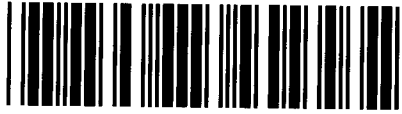


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DOCKET NO. 46078

RECEIVED

PETITION OF MONTERREY OAKS, §  
LTD TO AMEND THE CITY OF §  
SPLENDORA'S CERTIFICATE OF §  
CONVENIENCE AND NECESSITY IN §  
MONTGOMERY COUNTY BY §  
EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION

2016 JUL 19 AM 10:40

PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK

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

This Order addresses Commission Staff's July 18, 2016 recommendation that the petition filed by Monterrey Oaks, Ltd for expedited release from the City of Splendora's water certificate of convenience and necessity (CCN) No. 11727 in Montgomery County requires a sworn affidavit and therefore is administratively incomplete and deficient.

**I. Staff Comments on the Expedited Release and Requiring Sworn Affidavit**

Commission Staff found that Monterrey Oaks' statement that the subject property is not receiving water or sewer service is contained only in a letter, not in a sworn affidavit. Commission Staff recommended that Monterrey Oaks file a notarized affidavit, signed by the landowner of the subject property, stating that the subject property is not receiving water service by the City of Splendora.

**II. Recommendation on Administrative Completeness**

Commission Staff recommended that the petition be deemed administratively incomplete because it contains the preceding material deficiency, as specifically described in the recommendation and attached memorandum of Janie Kohl and Kristy Nguyen of the Commission's Water Utility Regulation Division. Commission Staff recommended Monterrey Oaks be given an opportunity to cure the deficiency in its petition.

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

Consistent with Commission Staff's recommendation, the petition is deemed administratively incomplete. Petitions are not considered filed until a determination of


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administrative completeness is made;<sup>1</sup> therefore, this petition is not considered filed with the Commission. On or before **August 19, 2016**, Monterrey Oaks shall amend the petition to cure the identified deficiency. Processing of the petition cannot proceed until the requested item is 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 **September 19, 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 19<sup>th</sup> day of July 2016.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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

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