



Control Number: 46411



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DOCKET NO. 46411

RECEIVED

APPLICATION OF THE CITY OF
DONNA TO AMEND A
CERTIFICATE OF CONVENIENCE
AND NECESSITY AND TO
DECERTIFY A PORTION OF
NORTH ALAMO WATER SUPPLY
CORPORATION'S CERTIFICATE IN
HIDALGO COUNTY

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PUBLIC UTILITY COMMISSION
OF TEXAS

2017 JAN 10 AM 10:05
PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S DISMISSAL RECOMMENDATION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Administrative Completeness and would show the following:

I. BACKGROUND

On September 29, 2016, the City of Donna (Donna) filed an application to amend its water certificate of convenience and necessity (CCN) No. 12790 in Hidalgo County and decertify a portion of North Alamo Water Supply Corporation's CCN No. 10553.

On November 1, 2016, Order No. 2 was issued, establishing a deadline of January 10, 2017 for Staff to file a recommendation on the administrative completeness of the application and propose a procedural schedule. This pleading is therefore timely filed.

II. DISMISSAL

Order No. 2 established a deadline of November 30, 2016 for Donna to amend its application to cure the deficiencies noted in Staff's October 28, 2016 filing. As noted in the attached memorandum from Ricky Herrera and Gary Horton, Jr. in the Commission's Water Utility Regulation division, Donna has not amended its application and has not filed any response to Order No. 2 or to Staff's October 28 filing. Staff has contacted Donna; but to date that contact has not resulted in the resolution of any of the deficiencies identified in Staff's October 28 filing.

Therefore, Staff recommends that the application be dismissed without prejudice for failure to prosecute under 16 Texas Administrative Code (TAC) § 22.181(d)(6).¹

III. PROCEDURAL SCHEDULE

In light of Staff's recommendation that the application be dismissed without prejudice to refiling, Staff proposes no procedural schedule at this time.

IV. CONCLUSION

Consistent with the discussion above, Staff respectfully recommends that the application be dismissed without prejudice to refiling.

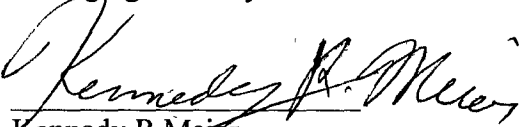
¹ Staff notes that 16 TAC § 22.181 was amended by the Commission effective January 5, 2017. The citation above is to the amended version of the rule; the version of § 22.181 in effect when Donna's application was filed contains a provision analogous to the cited provision at § 22.181(a)(1)(F).

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

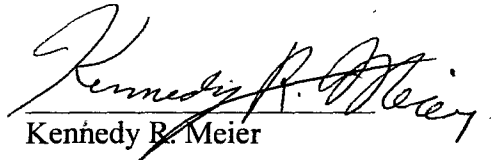


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 10th of January, 2017 in accordance with 16 TAC § 22.74.



Kennedy R. Meier

PUC Interoffice Memorandum

To: Kennedy Meier
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Work Lead
Water Utilities Division

From: Ricky Herrera, Staff Engineer
Gary Horton, Jr., GIS Specialist
Water Utilities Division

Date: January 10, 2017

Subject: **Docket 46411**, *Application of the City of Donna to Amend a Certificate of Convenience and Necessity and to decertify a portion of North Alamo Water Supply Corporation's Certificate in Hidalgo County*

On September 29, 2016, the City of Donna (City or Applicant) filed an application to amend Donna's water CCN No. 12790 and to decertify a portion of North Alamo WSC's water CCN No. 10553 in Hidalgo County. The application is being reviewed pursuant to Texas Water Code §§ 13.242 - 13.250 and 13.255 (TWC) and 16 Tex. Admin. Code (TAC) §§ 24.103(c), 24.105(e) and 24.120.

On October 28, 2016, Staff recommended the City's application be deemed administratively incomplete and deficient. Order No. 2, issued on November 1, 2016, required the City to cure the deficiencies noted by the Commission Staff on or before November 30, 2016. To date, the Applicant has not addressed the mapping deficiencies. Therefore, Staff cannot make a recommendation on the administrative completeness of the application and recommends dismissal.