

Control Number: 46558



Item Number: 15

Addendum StartPage: 0



City of Lucas

665 Country Club Road
Lucas, Texas 75002
972.727.8999
www.lucastexas.us

2017 AUG 10 AM 9:18

PUBLIC UTILITY COMMISSION
FILINGS CLERK

August 3, 2017

Public Utility Commission of Texas
PO Box 13326
Austin, Texas 78711-3326

Subject: Docket No. 46558

To Whom It May Concern:

The City of Lucas wishes to withdraw its application to amend a Certificate of Convenience and Necessity in Collin County submitted in November of 2016. If you have any further questions, please contact me at 972.912.1208 or via email at Stanton@LucasTexas.us.

Sincerely,

Stanton Foerster
Public Works Director/City Engineer

Enclosure

15

DOCKET NO. 46558

**APPLICATION OF CITY OF LUCAS
TO AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
COLLIN COUNTY**

§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

PUBLIC UTILITY COMMISSION
FILING CLERK

**ORDER NO. 5
FINDING APPLICATION REMAINS INCOMPLETE AND DEFICIENT,
ESTABLISHING DEADLINES AND OPPORTUNITY TO CURE**

This Order addresses Commission Staff's June 23, 2017, supplemental recommendation that the City of Lucas' application remains deficient and incomplete. This application was deemed deficient on December 13, 2016, February 21, 2017 and May 1, 2017. Lucas has only supplemented or amended the application once to address the deficiencies that have been identified by Commission Staff, on May 23, 2017.

Commission Staff continues to recommend that the application remains administratively incomplete because it contains material deficiencies, as specifically described in Commission Staff's December 9, 2016, February 14, 2017, April 26, 2017, and June 23, 2017 pleadings and attached memorandums of Jolie Mathis and Gary Horton in the Commission's Water Utility Regulation Division. Commission Staff also continues to propose that Lucas be given an opportunity to cure the deficiencies that have been identified. In this case, Commission Staff proposed until July 21, 2017, for Lucas to cure the deficiencies and requests that Commission Staff be given until August 18, 2017, to file a supplemental recommendation on this application.

Consistent with Commission Staff's recommendation, Lucas' application remains administratively incomplete and deficient. Applications are not considered filed until a determination of administrative completeness is made;¹ therefore, at this time, this application is not considered filed with the Commission. Lucas is reminded that failure to amend an application such that it is sufficient after repeated determinations that the application is insufficient is a reason for dismissal under the Commission's rules.² In this case, this is the fourth order deeming Lucas'

¹ 16 Texas Administrative Code § 24.8(a) (TAC).

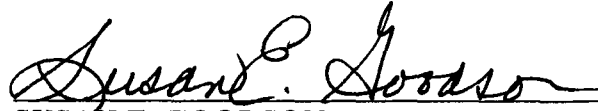
² 16 TAC § 22.181(d)(7).

application insufficient. Therefore, to avoid possible dismissal, Lucas is encouraged to communicate with Commission Staff and supplement or amend the application to cure all deficiencies that have been identified by Commission Staff.

On or before **July 21, 2017**, Lucas shall amend its application to cure the deficiencies identified by Commission Staff. Processing of the application cannot proceed until the requested items are received and reviewed. On or before **August 18, 2017**, Commission Staff shall file a supplemental recommendation on this application.

Signed at Austin, Texas on the 28th day of June 2017.

PUBLIC UTILITY COMMISSION OF TEXAS



SUSAN E. GOODSON

ADMINISTRATIVE LAW JUDGE