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APPLICATION OF THE CITY OF EDINBURG TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY UNDER TEXAS WATER CODE § 13.255 AND DECERTIFY A PORTION OF NORTH ALAMO WATER SUPPLY CORPORATION'S SERVICE AREA IN HIDALGO COUNTY § § § § § § § §

PUBLIC UTILITY COMMISSION PUBLIC UTILITY COMMISSION FILING CLERK OF TEXAS

ORDER NO. 8 FINDING APPLICATION INCOMPLETE AND DEFICIENT, ESTABLISHING AN OPPORTUNITY TO CURE, AND DISCUSSING COMMISSION STAFF'S MOTION TO DISMISS

This Order addresses Commission Staff's June 27, 2019 recommendation regarding the administrative completeness of the City of Edinburg's application. The application has remained incomplete for a considerable amount of time. The history of the application can be summarized as follows:

- The administrative law judge (ALJ) first deemed the application incomplete and insufficient in Order No. 3 issued on November 6, 2018. Edinburg was directed to cure the deficiencies by December 13, 2018, but failed to do so.
The ALJ again deemed the application incomplete and insufficient in Order No. 4 issued on January 15, 2019. Edinburg was directed to cure the deficiencies by February 11, 2019, but again failed to do so.
In Order Nos. 5 and 6, the ALJ granted Edinburg's requests for extension of time to cure the deficiencies. Per Order No. 6, Edinburg was to have cured the deficiencies by March 27, 2019.
In Order No. 7 issued on April 29, 2019 the ALJ again found that Edinburg had failed to cure the deficiencies in its application. Edinburg was directed to cure the deficiencies by May 28, 2019, but again failed to do so.

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As recommended by Commission Staff, the ALJ judge finds the application remains incomplete and deficient. Under 16 Texas Administrative Code (TAC) § 24.8(d), the Commission does not consider an application filed until it makes a determination that the application is administratively complete. Thus, at this time the application is not considered filed with the Commission.

On or before July 26, 2019, Edinburg must supplement the application to cure the deficiencies described by Commission Staff in its recommendation. Until the Commission receives and reviews the supplemental information, the application cannot proceed. The City of Edinburg must not issue notice until the application is administratively complete.

On or before August 26, 2019, Commission Staff must file a supplemental recommendation regarding administrative completeness, along with a proposed procedural schedule, if appropriate.

Barring unforeseen developments, the ALJ will grant Commission Staff's motion to dismiss if Edinburg does not cure the deficiencies by July 26, 2019.

Signed at Austin, Texas the 2<sup>nd</sup> day of July 2019.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**HUNTER BURKHALTER**  
**ADMINISTRATIVE LAW JUDGE**