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DOCKET NO. 51158

**PETITION OF JOHNSTON &
ASSOCIATES, LLP AND FRANK
CARVALHO TO AMEND MOUNTAIN
PEAK SPECIAL UTILITY DISTRICT'S
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN JOHNSON
COUNTY BY STREAMLINED
EXPEDITED RELEASE**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

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**ORDER NO. 7
FINDING APPLICATION DEFICIENT, REQUIRING
CLARIFICATIONS FROM PETITIONERS, AND
REQUIRING COMMISSION STAFF STATEMENT OF POSITION**

This Order addresses the need for Johnston & Associates, LLP and Frank Carvalho (collectively, petitioners) to address the three clarifications required by Order No. 6 filed on October 27, 2020. A response was not filed by the November 5, 2020 deadline.

On September 30, 2020, the administrative law judge (ALJ) found the petition to be administratively complete. After further examination, the ALJ finds petition deficient due to discrepancies found between the petitioners' names on the recorded deeds filed with the petition and the Texas secretary of state registration records. Therefore, under 16 Texas Administrative Code (TAC) § 24.8(d), the application is no longer considered filed and the 60-day deadline for approval set forth in 16 TAC § 24.245(h)(7) is inapplicable.

By November 20, 2020, petitioners must provide the following information and supporting documentation:

1. The legal name and all assumed names, if any, under which each petitioner conducts business, including any assumed name(s), and provide a currently valid certificate(s) of assumed name(s), if applicable.
2. The form of business in Texas (e.g., corporation, partnership, sole proprietorship), charter or authorization number, date business was formed, and date change was made, if applicable.
3. Legal name of parent company, if any, and a description of its primary business interests and the name of any companies affiliated with the applicant with which it does any business. Provide the state and date in which the parent and affiliated companies are registered

(The Commission requires registration with the Texas secretary of state for all forms of business, except sole proprietorships).

By December 2, 2020, Commission Staff must file a response to petitioners' clarifications or file a statement of position regarding the above-requested clarifications.

Signed at Austin, Texas the 13 day of November 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in cursive script that reads "Katie Moore".

KATIE MOORE
ADMINISTRATIVE LAW JUDGE