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DOCKET NO. 44484

REQUEST BY MARYANNE THERIOT §
PURSUANT TO TEXAS WATER CODE §
§ 13.004 REGARDING ETOILE §
WATER SUPPLY CORPORATION §

BEFORE THE PUBLIC UTILITY COMMISSION
OF TEXAS

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PUBLIC UTILITY COMMISSION
FILING CLERK

**ETOILE WATER SUPPLY CORPORATION'S
MOTION TO DISMISS**

Etoile Water Supply Corporation ("Etoile") files this Motion to Dismiss the above-styled proceeding initiated by the request to investigate filed by Maryanne Theriot ("Theriot") on February 24, 2015. In support hereof Etoile would show the following:

Order No. 1 established deadlines for Etoile's response and Commission Staff's position statement. On October 23, 2015, Etoile responded and moved for dismissal. Etoile alleged that Theriot's request failed to allege any grounds for the Commission to take jurisdiction over its election procedures and that the Commission's jurisdiction does not extend to enforcement of the Texas Open Meetings Act.

Commission Staff filed a position statement on November 20, 2015, recommending that the Commission does not have jurisdiction over Etoile under Tex. Water Code § 13.004. Additionally, Commission Staff found that Etoile is not in violation of any statutory requirements by changing the application for a director to remove the requirement that the application have 20 signatures of members of the district, based upon Tex. Water Code §§ 67.0052 and 67.007.

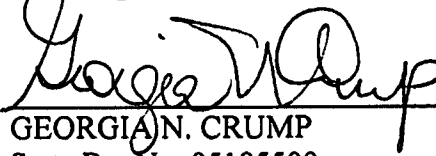
Order No. 2 required Theriot to file a reply or to withdraw her request by December 22, 2015, and stated that failure to respond may result in dismissal. Theriot failed to respond.

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For the reasons stated herein Etoile Water Supply Corporation respectfully requests that this proceeding be dismissed.

Respectfully submitted,

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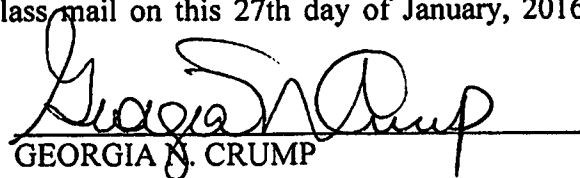
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ATTORNEYS FOR ETOILE WATER SUPPLY
CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was transmitted by facsimile, e-mail and/or regular, first class mail on this 27th day of January, 2016, to the parties of record.



GEORGIA N. CRUMP