



Control Number: 44721



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**DOCKET NO. 44721**

**APPLICATION OF QUADVEST, L.P. TO  
AMEND CERTIFICATES OF  
CONVENIENCE AND NECESSITY IN  
HARRIS COUNTY**

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§  
§  
§

**PUBLIC UTILITY COMMISSION**

2016 MAR 24 PM 2:16

**OF TEXAS**

PUBLIC UTILITY COMMISSION  
FILING CLERK

**COMMISSION STAFF'S MOTION TO DISMISS**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Motion to Dismiss. In support thereof, Staff shows the following:

**I. BACKGROUND**

On May 6, 2015, Quadvest, L.P. (Quadvest) filed an application to amend its water and sewer certificates of convenience and necessity (CCN) Nos. 11612 and 20952 in Harris County. The area Quadvest seeks to add to its CCN's consists of 93 acres. There are no current customers.

Order No. 9, issued on March 8, 2016, instructed Quadvest to file supplemental information by March 22, 2016. On March 17, 2016, Order No. 10 was issued, requiring Staff to provide a supplemental recommendation on the sufficiency of this application and if the recommendation is that the application remains deficient, comment on whether the application should be dismissed without prejudice by March 25, 2016. Therefore, this Motion to Dismiss is timely filed.

**II. RECOMMENDATION**

Pursuant to 16 Tex. Admin. Code § 22.181 (TAC), Staff recommends the application be dismissed without prejudice for failure to prosecute. Quadvest has failed to cure the deficiencies in the application or timely file replies as required by the Administrative Law Judge (ALJ).

Order No. 2 and Order No. 4 in this proceeding, deemed this application deficient for the reasons specified in Staff's pleadings and attached memoranda filed on June 8, 2015 and August 28, 2015, respectively. In Staff's August 28, 2015 recommendation, Staff specifically stated that the application overlaps with Aqua Texas' (Aqua) CCN No. 13203. Since that recommendation,

Quadvest has filed a request for extension, request for abatement, and an additional request for extension. Prior to these requests, Quadvest's last substantive filing was made on July 30, 2015.

On February 12, 2016, Quadvest filed a request on behalf of the International Center for Entrepreneurial Development, Inc. (International Center) for an expedited release from Aqua's CCN No. 13203. On February 22, 2016, Order No. 8 was issued, stating that Quadvest's request on behalf of the International Center had no effect on this proceeding. Order No. 8 also required Quadvest to timely file a status report and cure the deficiencies identified by Staff by February 24, 2016. On March 4, 2016, Quadvest filed for an extension of time to resolve the overlap with Aqua.

Since that time, Order No. 9 required Quadvest to file proof that an application that will clear the overlap with the certificated service area requested in this application and an Aqua Texas CCN be filed with the Commission. Order No. 9 also stated that failure to *timely* provide such proof will result in this application being dismissed for failure to prosecute. Quadvest has not made any filings since Order No. 9 was issued.

Staff notes that no recommendations on the administrative completeness of this application have been made since August 28, 2015 and the application remains deficient. Quadvest has not provided any supplemental information resolving the prior deficiencies identified by Staff. Therefore, pursuant to 16 TAC § 22.181, Staff requests the application be dismissed without prejudice for failure to prosecute.

### **III. CONCLUSION**

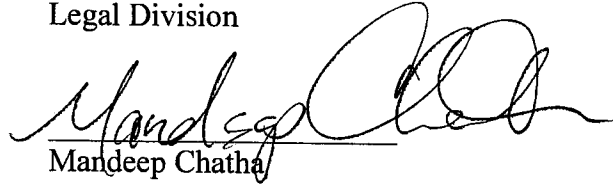
Staff respectfully requests that the ALJ issue an order consistent with this Response.

**DATE: March 24, 2016**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Stephen Mack  
Managing Attorney  
Legal Division

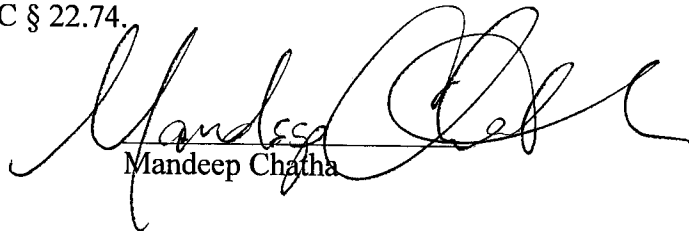


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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the March 24, 2016 in accordance with 16 TAC § 22.74.



Mandeep Chatha