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DOCKET NO. 45988

APPLICATION OF OLD TAMINA	§	PUBLIC UTILITY COMMISSION
WATER SUPPLY CORPORATION TO	§	
OBTAIN A SEWER CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
MONTGOMERY COUNTY (37616-C)	§	

ORDER NO. 32
SETTING DEADLINE TO RESPOND TO MOTION TO DISMISS

This Order addresses the application of Old Tamina Water Supply Corporation. Various orders in this proceeding, including Order No. 31 filed on April 27, 2022, have required Old Tamina to provide status reports on its application. Old Tamina has filed sporadic status reports and has failed to file any status report in response to Order No. 31. Additionally, given the complexity of the procedural history of this proceeding, and that Old Tamina represents that it is waiting on approval from the United States Department of Agriculture and the Texas Commission on Environmental Quality to acquire and operate its own onsite package treatment plant before it seeks approval from the Commission, the administrative law judge (ALJ) believes the appropriate avenue forward is for Old Tamina to file a new application in a new, clean, docket when it is ready to seek Commission approval.

Under 16 Texas Administrative Code (TAC) § 22.181(a) and (e), dismissal of a proceeding may be made “upon the motion of the presiding officer or the motion of any party.” Under 16 TAC § 22.181(e)(2), a presiding officer’s motion must be provided by written order or stated on the record. By copy of this order, the parties are notified that the ALJ intends to file a proposal for decision to dismiss this proceeding, without prejudice, under 16 TAC § 22.181(d)(6) for Old Tamina’s failure to prosecute. As specified in 16 TAC § 22.181(e)(3), Old Tamina and Commission Staff may file written responses to this Order no later than 20 days following receipt of the Order.

Accordingly, the deadline for Old Tamina to respond to this motion to dismiss, if it chooses to do so, is August 24, 2022.

Signed at Austin, Texas the 4th day of August 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, reading "Katie Moore Marx". The signature is written in a cursive, flowing style. The first name "Katie" is written with a large, stylized 'K'. The last name "Marx" is written with a large, stylized 'M'.

**KATIE MOORE MARX
ADMINISTRATIVE LAW JUDGE**