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DOCKET NO. 46719

**APPLICATION OF CITY OF HASLET §
TO AMEND A WATER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY AND DECERTIFY §
A PORTION OF CITY FORT §
WORTH'S SERVICE AREA IN §
TARRANT COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2018 JAN 12 PM 1:07
PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S MOTION TO DISMISS

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

I. BACKGROUND

On January 3, 2017, the City of Haslet (Haslet) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12856 to provide water utility service in Tarrant County and to decertify a portion of the City of Fort Worth's service area in Tarrant County.

On October 6, 2017, the administrative law judge (ALJ) issued Order No. 6 which abated the procedural schedule, required Haslet to file status reports, and directed Staff to file comments on the application by January 12, 2018. This pleading is therefore timely filed.

II. MOTION TO DISMISS

Staff moves to dismiss for failure to prosecute under 16 TAC § 22.181(d)(6). Order No. 6 required Haslet to file status reports regarding its application with the Texas Commission on Environmental Quality (TCEQ) on November 5, 2017, December 5, 2017, and January 5, 2017. In approving a CCN application, "the commission shall ensure" that the applicant has "a TCEQ-approved public water system."¹ Staff has contacted the representative for Haslet and learned that Haslet has not begun the process of obtaining permits at TCEQ since this proceeding was initially abated by Order No. 5 on July 10, 2017. Furthermore, Haslet did not file any of the required status updates, in spite of the ALJ's warning that failure to do so could result in

¹ 16 TAC § 24.102(a)(1)(A).

dismissal. Haslet's failure to apply for its TCEQ permits constitutes a failure to prosecute, and the application should therefore be dismissed.

III. CONCLUSION

Staff respectfully requests the Application be dismissed for failure to prosecute under 16 TAC § 22.181(d)(6).

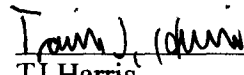
Dated: January 12, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

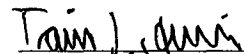
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 12, 2018 in accordance with 16 TAC § 22.74.


TJ Harris