



Control Number: 47054



Item Number: 10

Addendum StartPage: 0

APPLICATION OF CONCHO §
RURAL WATER CORPORATION TO §
AMEND A WATER CERTIFICATE §
OF CONVENIENCE AND §
NECESSITY IN TOM GREEN §
COUNTY §

PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

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FILING CLERK

COMMISSION STAFF'S REQUEST FOR A RULING

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Request for a Ruling:

I. BACKGROUND

On April 11, 2017, Concho Rural Water Corporation ("Concho" or "Applicant") filed an application to amend its water certificate of convenience and necessity ("CCN") No. 11361 in Tom Green County. The proposed new service area being requested includes approximately 388 acres.

On May 12, 2017, the Administrative Law Judge (the "ALJ") issued Order No. 2, requiring Concho to amend its application to cure noted deficiencies by June 9, 2017. After Concho failed to file an amended application, the ALJ issued Order No. 3 giving Concho until July 28, 2017, to file an amended application. Concho again failed to amend its application. On August 10, 2017, Staff filed a motion to dismiss for failure to prosecute. On August 18, 2017, the ALJ issued Order No. 4, requiring Concho to respond by September 5, 2017. Concho failed to respond.

II. MOTION TO DISMISS

Staff requests a ruling on its motion to dismiss. Dismissal of a proceeding is proper when an applicant has failed to prosecute its application.¹ As Concho has continually failed to amend its application after being given multiple opportunities, Concho has failed to prosecute its application. Furthermore, Concho has failed to return Staff's repeated calls. For these reasons, Staff re-urges the ALJ to dismiss Concho's application without prejudice.

¹ 16 Tex. Admin. Code § 22.181(d)(6).

III. CONCLUSION

Staff respectfully requests that the ALJ issue an order consistent with Staff's motion.

PUBLIC UTILITY COMMISSION
LEGAL DIVISION

Respectfully Submitted,

Margaret Uhlig Pemberton
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DOCKET NO. 47054

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 2, 2018, in accordance with P.U.C. Procedural Rule 22.74.



Landon J. Lill