



Control Number: 47054



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

PUBLIC UTILITY COMMISSION
OF TEXAS

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PUBLIC UTILITY COMMISSION
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COMMISSION STAFF’S MOTION TO DISMISS WITHOUT PREJUDICE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Motion to Dismiss without Prejudice:

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.

II. MOTION TO DISMISS

Staff moves to dismiss this proceeding pursuant to 16 Tex. Admin. Code § 22.181(d)(6) (TAC). 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 in accordance with Orders No. 2 and 3, Concho has failed to prosecute its application. Further, Staff has made several attempts to communicate with Concho in order to resolve the deficiencies but calls have not been returned. For these reasons, Concho’s application should be dismissed without prejudice.

¹ 16 Tex. Admin. Code § 22.181(d)(6).

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III. CONCLUSION

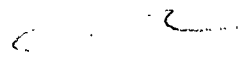
Staff respectfully requests that the ALJ issue an order consistent with Staff's motion.

PUBLIC UTILITY COMMISSION
LEGAL DIVISION

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney




Landon J. Lill
State Bar No. 24092700
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7228
(512) 936-7268 (facsimile)
Landon.lill@puc.texas.gov

DOCKET NO. 47054

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on August 9, 2016, in accordance with P.U.C. Procedural Rule 22.74.



Landon J. Lill