



Control Number: 48109



Item Number: 15

Addendum StartPage: 0

2019 FEB 13 PM 3:53

APPLICATION OF R.F. GROUP SAN § PUBLIC UTILITY COMMISSION
ANTONIO LLC TO OBTAIN §
CERTIFICATES OF CONVENIENCE § OF TEXAS
AND NECESSITY IN BEXAR COUNTY §

ORDER

This Order addresses the application of R.F. Group San Antonio LLC to obtain water and sewer certificates of convenience and necessity (CCN) in Bexar County. On January 15, 2019, the administrative law judge (ALJ) issued a proposal for decision recommending that R.F. Group San Antonio's application be dismissed for failure to prosecute and failure to amend an application such that it is sufficient after repeated determinations that the application is insufficient. The Commission adopts the proposal for decision, including findings of fact and conclusions of law, except as discussed in this Order.

The Commission adopts the following findings of fact and conclusions of law:

I. Findings of Fact

1. On February 26, 2018, R.F. Group San Antonio filed an application to obtain water and sewer CCNs in Bexar County.
2. On March 28, 2018, Commission Staff recommended that the application be found administratively incomplete.
3. In Order No. 2 issued on April 2, 2018, the ALJ found the application to be administratively incomplete and ordered R.F. Group San Antonio to, by no later than April 27, 2018, file the additional information needed to cure the deficiencies in the application.
4. R.F. Group San Antonio filed nothing in response to Order No. 2.
5. On May 25, 2018, Commission Staff recommended that the application continue to be found administratively incomplete.
6. In Order No. 3 issued on May 29, 2018, the ALJ found the application to be administratively incomplete and ordered R.F. Group San Antonio to, by no later than June 15, 2018, file the additional information needed to cure the deficiencies in the application.

7. R.F. Group San Antonio filed nothing in response to Order No. 3.
8. On July 10, 2018, Commission Staff moved to have this case dismissed, without prejudice, due to the applicant's failure to prosecute and failure to amend its application such that it is sufficient after repeated determinations that the application is insufficient under 16 Texas Administrative Code (TAC) § 22.181(d)(6) and (7), respectively.
9. R.F. Group San Antonio filed nothing in response to Commission Staff's motion to dismiss.
10. In Order No. 4 issued on August 21, 2018, the ALJ directed R.F. Group San Antonio to, by no later than September 4, 2018, either respond to the motion to dismiss or request withdrawal of the application. The ALJ admonished R.F. Group San Antonio that, failure to respond to this Order may result in dismissal of the application.
11. R.F. Group San Antonio filed nothing in response to Order No. 4.
12. On October 5, 2018, Commission Staff re-urged its motion to dismiss.
13. R.F. Group San Antonio has filed nothing since the initial application in February 2018.

II. Conclusions of Law

1. The Commission has jurisdiction over this matter under Texas Water Code (TWC) §§ 13.041 and 13.241.
2. An ALJ may recommend that the Commission dismiss a proceeding with or without prejudice for, among other reasons, the applicant's failure to prosecute and failure to amend its application such that it is sufficient after repeated determinations that the application is insufficient. 16 TAC § 22.181(d)(6), (d)(7).
3. An ALJ must prepare a proposal for decision to recommend dismissal of a case and the Commission must consider the proposal for decision as soon as practicable. 16 TAC § 22.181(f)(2).
4. The applicant failed to prosecute and failed to amend its application such that it is sufficient after repeated determinations that the application is insufficient. 16 TAC § 22.181(d)(6), (d)(7).

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission adopts the proposal for decision, including findings of fact and conclusions of law, except as discussed in this Order.
2. The application is dismissed, without prejudice for the reasons discussed in this Order.
3. The Commission denies all other motions, requests for entry of specific findings of fact, conclusions of law, and ordering paragraphs, and any other requests for general or specific relief, if not expressly granted herein.

Signed at Austin, Texas the 13th day of February 2019.

PUBLIC UTILITY COMMISSION OF TEXAS


DEANN T. WALKER, CHAIRMAN


ARTHUR C. D'ANDREA, COMMISSIONER


SHELLY BOTKIN, COMMISSIONER

