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**DOCKET NO. 48269**

**APPLICATION OF SIMPLY AQUATICS  
INC. FOR A PRICE INDEX RATE  
ADJUSTMENT (EL PINION)**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

2018 JUL 20 PM 3:45  
FILED CLERK

**ORDER NO. 3  
REQUIRING RESPONSE**

This Order addresses the motion to dismiss Simply Aquatics' application filed by Commission Staff on July 11, 2018.

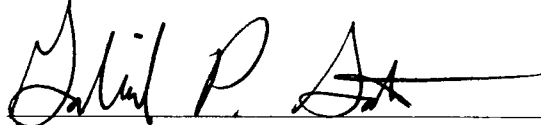
On May 11, 2018, Commission Staff filed a recommendation determining that the application be found administrative incomplete, and recommended that Simply Aquatics cure the application by June 11, 2018. In Order No. 2 issued on May 21, 2018, the administrative law judge deemed the application incomplete and deficient, and Simply Aquatics was provided an opportunity to cure by June 11, 2018. No supplemental filings have been received from Simply Aquatics.

On July 11, 2018, Commission Staff filed a motion to dismiss Simply Aquatics' application because Simply Aquatics has not cured the deficiencies as required in Order No. 2. Commission Staff recommended the application be dismissed without prejudice for failure to prosecute and failure to amend an application under 16 Texas Administrative Code (TAC) § 22.181(d)(6) and (7).

On or before July 31, 2018, Simply Aquatics shall file a response to Commission Staff's motion to dismiss or request withdrawal of the application under 16 TAC § 22.181(g). Failure to respond to this Order may result in dismissal of the application.

**Signed at Austin, Texas the 20<sup>th</sup> day of July 2018.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



**GABRIEL P. SOTO  
ADMINISTRATIVE LAW JUDGE**