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DOCKET NO. 49059

**PETITION OF MALONE ADDITION §
WATER SYSTEM TO DISCONTINUE §
WATER SERVICE AND CANCEL ITS §
CERTIFICATE OF CONVENIENCE AND §
NECESSITY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

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COMMISSION STAFF'S MOTION TO DISMISS

COMES NOW the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 4 files this Commission Staff's Motion to Dismiss. In support thereof, Staff shows the following:

I. BACKGROUND

On January 2, 2019, Malone Addition Water System (Malone) filed a petition to cancel its water certificate of convenience and necessity (CCN) No. 12534 in Travis County.

On February 1, 2019, Order No. 2 was issued finding the application administratively incomplete and deficient for further review and set a deadline for Malone to cure the deficiencies by February 27, 2019. On March 21, 2019, Staff filed a request for extension until April 27, 2019 as Malone did not properly file its supplemental information by the deadline. On June 10, 2016, Order No. 3 was issued granting an extension for Malone to supplement the application on or before April 29, 2019. On May 29, 2019, Malone requested an extension to provide the supplemental information. On May 31, 2019, Order No. 4 was issued granting an extension for Malone to supplement the application by June 28, 2019. Order No. 4 also set a deadline for Staff to file a supplemental recommendation on or before July 29, 2019. This pleading is therefore timely filed.

II. STAFF'S MOTION TO DISMISS

Malone has not yet filed additional information to cure the insufficiencies noted in Staff's recommendation. Despite receiving its requested extension until June 28, 2019, Malone has yet to supplement its application or request an additional extension. Staff attempted to reach out to a representative for Applicant by phone on July 12, 2019 and by email on July 15, 2019, but has not heard back. Staff therefore recommends that the docket be dismissed without prejudice pursuant to 16 Texas Administrative Code (TAC) § 22.181(d)(6) and (7).

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III. CONCLUSION

For the reasons stated above, Staff respectfully recommends that the docket be dismissed.

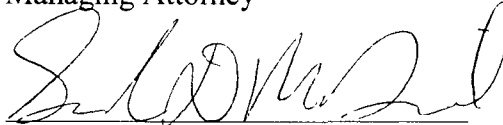
Dated: July 23, 2019

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

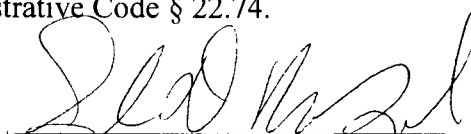


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 23, 2019, in accordance with 16 Texas Administrative Code § 22.74.



Sarah D. McDaniel