



Control Number: 49515



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TARIFF CONTROL NO. 49515

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**APPLICATION OF SOUTHWEST
LIQUIDS, INC. FOR A PASS
THROUGH GALLONAGE CHARGE** §
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

NOTICE OF INTENT TO DISMISS

This Notice addresses the application of Southwest Liquids, Inc., filed on May 7, 2019, for approval of a pass-through gallonage charge.

On May 29, 2019, Commission Staff filed a recommendation on the application. Commission Staff recommended that the application be dismissed because although the application seeks recovery for lost revenues resulting from an order mandating water use reduction, the application was filed after, rather than during, the period of the ordered reduction measures. Commission Staff argues that recovery is therefore barred under 16 Texas Administrative Code (TAC) § 24.25(j).

On June 10, 2019, the administrative law judge (ALJ) issued a notice directing Southwest Liquids to respond to Commission Staff's recommendation no later than June 24, 2019. Southwest Liquids did not respond to the recommendation.

On July 24, 2019, Commission Staff filed a motion to dismiss, seeking dismissal of the application under 16 TAC § 22.181(d)(7) for failure to amend the application such that it is sufficient after repeated determinations that the application is insufficient and (d)(8) for failure to state a claim for which relief can be granted.

On July 26, 2019, the ALJ issued a notice directing Southwest Liquids to either respond to the motion to dismiss or request withdrawal of the application by August 14, 2019. The notice stated that failure to respond could result in dismissal of the application.

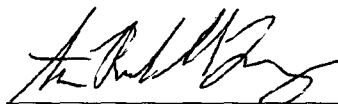
By copy of this notice, the parties are notified that in addition to, or in lieu of, the grounds for dismissal requested by Commission Staff in its motion to dismiss, the ALJ intends to dismiss this proceeding under 16 TAC § 22.181(d)(6) for Southwest Liquid's failure to prosecute the application by its failure to respond to the ALJ's June 10, 2019 and July 26, 2019 notices and to Commission Staff's July 24, 2019 motion to dismiss.

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Southwest Liquids may, on or before November 15, 2019, file a response to this notice. Should Southwest Liquids fail to respond or establish good cause for this case to be retained, the ALJ intends to issue a proposal for decision, recommending dismissal of the application under 16 TAC § 22.181(d)(6).

Signed at Austin, Texas the 5th day of November 2019.

PUBLIC UTILITY COMMISSION OF TEXAS



STEVEN LEARY
ADMINISTRATIVE LAW JUDGE

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