



Control Number: 49605



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APPLICATION OF CARROLL
WATER CO., INC. FOR A PRICE
INDEX RATE ADJUSTMENT

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PUBLIC UTILITY COMMISSION
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PUBLIC UTILITY COMMISSION
OF TEXAS

COMMISSION STAFF'S MOTION TO DISMISS

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this motion. In support thereof, Staff would show the following:

I. BACKGROUND

On June 5, 2019, Carroll Water Co., Inc. (Carroll) filed for a price index rate adjustment for the Grande Casa Ranchitos, Spanish Grant, Emerald Forest, and Lakeview Ranchettes Estates subdivisions. Carroll holds water certificate of convenience and necessity (CCN) No. 11543. Pursuant to Tex. Water Code (TWC) § 13.1872 and 16 Tex. Admin. Code (TAC) § 24.49(c), a Class C utility may request an increase to its tariffed rates. On August 15, 2019, Carroll filed a letter dated August 11, 2019, in response to Staff's August 2, 2019 supplemental recommendation. It appears that letter was filed to Docket No. 48855. On August 27, 2019, the letter was moved to Docket No. 49605. On August 29, 2019, Staff filed its reply to that letter.

II. MOTION TO DISMISS

At present, Carroll has provided no refutation of Staff's reply, dated August 29, 2019. Pursuant to TWC § 13.002(4-a) to (4-c), Carroll does not qualify as a Class C utility because it has more than 500 customer connections and should be considered as a Class B utility. 16 TAC § 24.49(a) provides that only Class C utilities may apply for a price index rate adjustment. Therefore, Carroll does not qualify for a price index rate adjustment.

As such, Staff moves for Carroll's application to be dismissed without prejudice for failure to prosecute pursuant to 16 TAC § 22.181(d)(6).

III. CONCLUSION

Staff respectfully requests that this docket be dismissed without prejudice.

Dated: November 1, 2019

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Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on November 1, 2019, in accordance with 16 TAC § 22.74.



Creighton R. McMurray