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PUBLIC UTILITY COMMISSION  
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***Public Utility Commission of Texas***

TO: Stephen Journeyay  
Commission Counsel

All Parties of Record

FROM: Katie Moore *KCM*  
Administrative Law Judge

RE: **Docket No. 50521**—*Application of Munson Point Property Owners Association  
for a Pass Through Rate Change*

DATE: March 16, 2021

Enclosed is the Proposal for Decision (PFD) in the above-referenced case. By copy of this memo, the parties to this proceeding are being served with the PFD.

Please place this docket on an open meeting agenda for the Commissioners' consideration. Please notify me and the parties of the open meeting date, as well as the deadline for filing exceptions to the PFD, replies to the exceptions, and requests for oral argument.

**If there are no corrections or exceptions, no response is necessary.**

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**DOCKET NO. 50521**

**APPLICATION OF MUNSON POINT § PUBLIC UTILITY COMMISSION  
PROPERTY OWNERS ASSOCIATION §  
FOR A PASS-THROUGH RATE § OF TEXAS  
CHARGE §**

**PROPOSAL FOR DECISION**

In this Proposal for Decision (PFD), the administrative law judge (ALJ) recommends that the Commission dismiss the application of Munson Point Property Owners Association, under 16 Texas Administrative Code (TAC) § 22.181(d)(2), as moot because Munson Point filed a subsequent application in Docket No. 51370<sup>1</sup> seeking the same pass-through rate charge it is seeking in the present docket. The ALJ recommends that the application be dismissed, with prejudice.

**I. Findings of fact**

The Commission makes the following findings of fact.

**Applicant**

1. Munson Point is a Texas nonprofit corporation registered with the Texas secretary of state under file number 138612301.

**Application**

2. On February 3, 2020, Munson Point filed an application to implement a pass-through rate change under 16 TAC § 24.25 to reflect an increase in charges billed by the City of Denison.
3. On June 26, 2020, Commission Staff filed a recommendation on final disposition that the application be denied because a pass-through application is not the proper forum for Munson Point to obtain approval of the rates it seeks.

**Motion to Dismiss**

4. In Order No. 4 filed on December 9, 2020, the ALJ filed a motion to dismiss.

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<sup>1</sup> *Application of Munson Point Property Owner's Association for Authority to Change Water and Sewer Rates and for a Pass Through Rate Change, Application (Sept. 25, 2020).*

5. On January 19, 2021, Commission Staff filed a response to Order No. 4 supporting the ALJ's motion to dismiss.
6. Munson Point did not file a response to Order No. 4.
7. On September 25, 2020, Munson Point filed a rate change and pass-through application in Docket No. 51370. In that application, Munson Point seeks, among other things, to implement a pass-through rate change to recover the same charges billed by the City of Denison that are at issue in the present docket.
8. Munson Point is actively pursuing its application in Docket No. 51370.
9. Munson Point is not actively pursuing its application in the present docket, its last filing in this docket having been made on March 23, 2020.
10. No hearing was held on the motion to dismiss.

## **II. Conclusions of law**

The ALJ makes the following conclusions of law.

1. The Commission has authority over this matter under Texas Water Code § 13.041.
2. The Commission may dismiss a proceeding, with or without prejudice, upon the motion of the presiding officer or any party for mootness under 16 TAC § 22.181(d)(2).
3. Under 16 TAC § 22.181(f)(2), dismissal of a case for reasons other than those specified in 16 TAC § 22.181(g)(1) or (2) requires preparation of a PFD.
4. Dismissal of this proceeding is warranted under 16 TAC 22.181(d)(2).

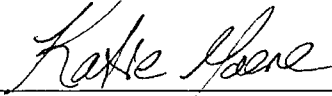
## **III. Proposed Ordering Provisions**

The ALJ recommends the following ordering paragraphs.

1. The application is dismissed, with prejudice.
2. The Commission denies all other motions, and any other requests for general or special relief if not expressly granted.

Signed at Austin, Texas the 16 day March 2021.

**PUBLIC UTILITY COMMISSION OF TEXAS**

A handwritten signature in cursive script, appearing to read "Katie Moore", is written over a horizontal line.

**KATIE MOORE**  
**ADMINISTRATIVE LAW JUDGE**