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DOCKET NO. 50552

**APPLICATION OF KELLY G. BREWER §
FOR A CLASS D ANNUAL RATE §
ADJUSTMENT §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**ORDER NO. 4
FINDING APPLICATION INCOMPLETE AND DEFICIENT
AND ESTABLISHING OPPORTUNITY TO CURE**

This Order addresses administrative completeness of the application of Kelly G. Brewer filed on February 14, 2020, for a Class D annual rate adjustment. On June 11, 2020, Commission Staff filed a recommendation that the application be found deficient and that Kelly G. Brewer have the opportunity to cure the deficiencies. In Order No. 3 filed on June 12, 2020, the administrative law judge (ALJ) found the application to be administratively incomplete and directed the applicant to cure the deficiencies by July 2, 2020.

The applicant did not respond to Order No. 3 and has not cured the deficiencies in the application. On July 23, 2020, Commission Staff moved to have this case dismissed, alleging the the applicant has failed to prosecute his case.

Beyond his February 14, 2020 application, the applicant has not responded or filed any further materials or documentation in this proceeding. The ALJ concludes that the application remains administratively incomplete and deficient, but believes dismissal is premature at this time. Accordingly, the motion to dismiss is denied. Commission Staff may, however, file a new motion to dismiss in the future if it believes such a motion is warranted.

On or before August 24, 2020, the applicant must cure the deficiencies identified by Commission Staff in a memo from Leila Guerrero dated February 20, 2020 and filed in this case on February 24, 2020. On or before September 24, 2020, Commission Staff must file a supplemental recommendation on sufficiency of the application and notice, and propose a procedural schedule, if appropriate. Should the applicant again fail to file a response, Commission Staff may file another motion to dismiss.

Signed at Austin, Texas the 24th day of July 2020.

PUBLIC UTILITY COMMISSION OF TEXAS


HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

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