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APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
ALTON TO AMEND ITS SEWER	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY IN HIDALGO	§	
COUNTY	§	

**ORDER NO. 22
MOTION TO DISMISS**

This Order addresses the February 18, 2020 application of the City of Alton to amend its sewer certificate of convenience and necessity in Hidalgo County.

In Order No. 18 filed on February 18, 2022, the administrative law judge (ALJ) fully adopted Commission Staff's recommendations, found the supplemental mapping information deficient, and ordered Alton to make the mapping changes recommended by Commission Staff by March 18, 2022. Alton did not respond to Order No. 18.

In Order No. 19 filed on March 28, 2022, the ALJ again ordered Alton to make the mapping changes recommended by Commission Staff, this time by April 11, 2022. Alton did not respond to Order No. 19.

In Order No. 21 filed on July 12, 2022, the ALJ refined his rulings from Order Nos. 18 and 19, found the digital mapping provided by Alton to be deficient, and ordered Alton to resubmit its digital mapping data, by August 8, 2022, in the format described in the February 16, 2022 memorandum of Patricia Garcia. Alton did not respond to Order No. 21.

Alton has filed nothing in this case since January 20, 2022.

The ALJ is of the opinion that this matter should be dismissed under 16 Texas Administrative Code (TAC) § 22.181(d)(6) for failure to prosecute and 16 TAC § 22.181(d)(7) for failure to amend an application such that it is sufficient after repeated determinations that the application is insufficient. The basis for dismissal and the material facts supporting dismissal under 16 TAC § 22.181(d)(6) and (7) are summarized in this Order. Specifically, it appears to the ALJ that Alton does not wish to proceed with its application but has not properly requested that its application be withdrawn.

Under 16 TAC § 22.181(a) and (e), dismissal of a proceeding may be made upon the motion of the ALJ. This Order constitutes such a motion. Responses to the motion to dismiss, if any, must be filed by October 19, 2022. In the alternative, Alton may file a request to withdraw its application.

Signed at Austin, Texas the 29th day of September 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read "Christina Denmark", written over a horizontal line.

**CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE**