



Filing Receipt

Received - 2022-03-29 10:45:05 AM

Control Number - 50963

ItemNumber - 34

DOCKET NO. 50963

APPLICATION OF THE CITY OF MCGREGOR TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY AND FOR DUAL CERTIFICATION WITH THE CITY OF WACO IN MCLENNAN COUNTY §
§
§
§
§

PUBLIC UTILITY COMMISSION OF TEXAS

COMMISSION STAFF’S MOTION TO DISMISS

On June 22, 2020, City of McGregor (McGregor) filed an application to amend its water Certificate of Convenience and Necessity (CCN) Nos. 10033 and 20009 and for dual certification with the City of Waco CCN Nos. 10039 and 20010 in McLennan County, Texas. The requested service area consists of 23 acres and 47 proposed connections to a phase I development within McGregor's corporate limits and within the water and sewer CCN boundaries of the City of Waco. McGregor also seeks dual certification with the City of Waco for the requested area. McGregor filed supplements to the application on July 10, 2020, August 12, 2020, August 25, 2020 and November 5, 2020.

On March 9, 2022, the administrative law judge (ALJ) issued Order No. 14, establishing a deadline of March 21 for McGregor to file supplemental information, and a deadline of April 5, 2022 for the Staff (Staff) of the Public Utility Commission of Texas to file a supplemental recommendation on the administrative completeness of the application and propose a procedural schedule. Order No. 14 also stated that if McGregor failed to make the required supplemental filing on or before March 28, 2022, Staff may file a motion to dismiss specifying the provision in 16 Texas Administrative Code (TAC) § 22.181(d) under which Staff is recommending dismissal. Therefore, this pleading is timely filed.

I. MOTION TO DISMISS WITHOUT PREJUDICE

On March 7, 2022, Staff recommended that McGregor’s application was administratively incomplete, and recommended McGregor be ordered to file supplemental information to cure the deficiencies. In Order No. 14, dated March 9, 2022, the ALJ found the petition administratively incomplete and set a deadline of March 28, 2022, for McGregor to cure the deficiencies. McGregor has made no filings in this docket since August 13, 2021, and has not responded to Order No. 14. Accordingly, Staff respectfully recommends that this docket be dismissed without prejudice for

failure to amend an application such that it is sufficient after repeated determinations that the application is insufficient.¹

II. CONCLUSION

Based on the foregoing discussion, Staff respectfully requests that an order be issued dismissing the application without prejudice.

Dated: March 29, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Sneha Patel
Managing Attorney

/s/ John Harrison

John Harrison
State Bar No. 24097806
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7277
(512) 936-7268 (facsimile)
John.Harrison@puc.texas.gov

¹ 16 TAC 22.181(d)(7).

DOCKET NO. 50963

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on March 29, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison
John Harrison