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**APPLICATION OF EAST HOUSTON §
UTILITIES TO AMEND ITS §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN HARRIS COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2021 MAY -5 PM 4:18

COMMISSION STAFF'S MOTION TO DISMISS

On December 11, 2020, East Houston Utilities dba Krebs Utilities (East Houston) filed an application to amend its water certificate of convenience and necessity (CCN) No. 11984 in Harris County, Texas.

On March 15, 2021, the administrative law judge (ALJ) filed Order No. 3, establishing a deadline of May 7, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file a supplemental recommendation on the administrative completeness of the application and propose a procedural schedule. Therefore, this pleading is timely filed.

I. MOTION TO DISMISS

To date, East Houston has not supplemented the application in response to Order Nos. 2 or 3. Between January and May, Staff has exchanged multiple emails with a representative for East Houston and has spoken with a representative via phone on at least three occasions. Staff last spoke with East Houston in March and has attempted to reach them via telephone at least three times since that conversation. Given East Houston's lack of participation in this proceeding, Staff recommends that the application be dismissed without prejudice pursuant to 16 Texas Administrative Code (TAC) § 22.181(d)(6) and (7).

II. CONCLUSION

For the reasons discussed above, Staff respectfully requests that the application be dismissed without prejudice.

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Dated: May 6, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Merritt Lander
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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 on May 6, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Merritt Lander
Merritt Lander