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DOCKET NO. 52267

PETITION MOUNT ZION WATER	§	PUBLIC UTILITY COMMISSION
SUPPLY CORPORATION TO AMEND	§	
ITS CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY FOR PARTIAL	§	
DECERTIFICATION IN ROCKWALL	§	
COUNTY	§	

COMMISSION STAFF’S MOTION FOR SUMMARY DECISION

On June 23, 2021, Mount Zion Water Supply Corporation (Mount Zion) filed an application to amend its certificate of convenience and necessity (CCN) in Rockwall County, Texas. On August 10, 2021 filed a revised petition for partial decertification of its water CCN No. 10088 in Rockwall County under Texas Water Code (TWC) § 13.254(a) and 16 Texas Administrative Code (TAC) § 24.245(d). Mount Zion seeks the amendment to transfer a tract of land to the City of Rockwall.

On April 22, 2022, the administrative law judge (ALJ) filed Order No. 10, establishing a deadline of June 6, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to request a hearing or file a motion for summary decision. Therefore, this pleading is timely filed.

I. MOTION FOR SUMMARY DECISION

Staff moves for summary decision pursuant to 16 TAC § 22.182, which states: “Any party to a proceeding may move for summary decision on any or all of the issues... before the close of the hearing on the merits or before the issuance of a proposal for decision or proposed order if no hearing is held...”¹ Summary decision is proper when the pleadings or evidence shows that “there is no genuine issue as to any material fact and that the moving party is entitled to a decision in its favor, as a matter of law...”²

Staff has reviewed Mount Zion’s supplemented application and supplemental document filed in this docket. Staff asserts a dismissal of this docket is appropriate because the 11.11 acres Mount Zion requests to decertify is not located within its CCN No. 10088. Therefore, Staff believes this petition is not necessary. Mount Zion has filed to provide any documentation or clarification to the contrary, despite the numerous opportunities.

¹ 16 TAC § 22.181(b)

² 16 TAC § 22.181(a).

For these reasons, Staff recommends that a motion for summary decision is appropriate because there are no material questions of fact or law at issue in this matter. Finally, Staff respectfully requests that the ALJ set a deadline for any party to file a response to Staff's motion for summary decision.

II. CONCLUSION

Staff respectfully requests the issuance of an order granting Staff's motion for summary decision and the dismissal of this docket.

Dated: June 6, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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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 via electronic mail on June 6, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Mildred Anaele
Mildred Anaele