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Received - 2022-03-10 09:13:26 AM
Control Number - 52384
ItemNumber - 11

DOCKET NO. 52384

APPLICATION OF SAMUEL SLEDGE	§	PUBLIC UTILITY COMMISSION
TO CANCEL AN EXEMPT UTILITY	§	
REGISTRATION AND SHARON	§	OF TEXAS
PEACH TO OBTAIN AN EXEMPT	§	
UTILITY REGISTRATION	§	

COMMISSION STAFF'S MOTION TO DISMISS

On August 2, 2021, Sharon Peach (Ms. Peach) and Samuel Sledge (Mr. Sledge) (collectively, Applicants), as Executrix of the Estate of Verna B. Sledge, filed an application to cancel an exempt utility registration number N0078 and request a new exempt utility registration for Ms. Peach.

On January 21, 2022, the administrative law judge (ALJ) filed Order No. 5, establishing a deadline of March 10, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments regarding the application, including whether it is administratively complete; recommendations regarding notice; under what applicable law this proceeding was filed and would be processed; how the application should be processed; and to propose a procedural schedule, if appropriate. Therefore, this pleading is timely filed.

I. COMMISSION STAFF'S MOTION TO DISMISS

Staff respectfully recommends that the docket be dismissed without prejudice pursuant to 16 Texas Administrative Code (TAC) § 22.181(d)(7). Under 16 TAC § 22.181(d)(7), a proceeding may be dismissed for failure to amend an application such that it is sufficient after repeated determinations that the application is insufficient.

On September 1, 2021, the ALJ filed Order No. 2, finding the application deficient. In Order No. 2, the ALJ required Applicants to cure the deficiencies by October 1, 2021.¹ In Order Nos. 3² and 5³, the ALJ required Applicants to cure the deficiencies in its application by December

¹ *Application of Samuel Sledge to Cancel an Exempt Utility Registration and Sharon Peach to Obtain an Exempt Utility Registration*, Docket No. 52384, Order No. 2 (Sep. 1, 2021).

² *Application of Samuel Sledge to Cancel an Exempt Utility Registration and Sharon Peach to Obtain an Exempt Utility Registration*, Docket No. 52384, Order No. 3 (Nov. 2, 2021).

³ *Application of Samuel Sledge to Cancel an Exempt Utility Registration and Sharon Peach to Obtain an Exempt Utility Registration*, Docket No. 52384, Order No. 5 (Jan. 21, 2022).

1, 2021, and then again on February 3, 2022, respectively. Due to Applicants' failure to timely comply with the procedural schedules in Order Nos. 2, 3 and 5, Staff recommends that the docket be dismissed without prejudice pursuant to 16 TAC § 22.181(d)(7).

II. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that the docket be dismissed without prejudice.

Dated: March 10, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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/s/ Mildred Anaele
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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 March 10, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Mildred Anaele
Mildred Anaele