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
**Thomas J. Gleeson**  
Executive Director

## ***Public Utility Commission of Texas***

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TO: Stephen Journeay  
Commission Counsel

All Parties of Record

FROM: Christina Denmark   
Administrative Law Judge

RE: **Docket No. 52384**—*Application of Samuel Sledge to Cancel an Exempt Utility Registration and Sharon Peach to Obtain an Exempt Utility Registration*

DATE: May 2, 2022

Enclosed is the Proposal for Decision (PFD) in the above-referenced case. By copy of this memo, the parties to this proceeding are being served with the PFD.

Please place this docket on an open meeting agenda for the Commissioners' consideration. Please notify me and the parties of the open meeting date, as well as the deadline for filing exceptions to the PFD, replies to the exceptions, and requests for oral argument.

**If there are no corrections or exceptions, no response is necessary.**

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**DOCKET NO. 52384**

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

**PROPOSAL FOR DECISION**

In this Proposal for Decision (PFD), the administrative law judge (ALJ) recommends that the Commission dismiss the application by Samuel Sledge and Sharon Peach, as Executrix of the Estate of Verna B. Sledge, to cancel an exempt utility registration and for Sharon Peach to obtain an exempt utility registration. The ALJ recommends the application be dismissed due to Mr. Sledge and Ms. Peach's failure to amend the application such that it is sufficient after repeated determinations that the application is insufficient, under 16 Texas Administrative Code (TAC) § 22.181(d)(7). The ALJ recommends that the dismissal be without prejudice.

**I. Findings of Fact**

The ALJ makes the following findings of fact.

1. Samuel Sledge dba 1118-1/2 South Main Street Highlands provides retail water service to customers in Harris County as an exempt water utility under registration number N0078.
2. By agreement, Mr. Sledge and Verna B. Sledge controlled the water well at 1118-1/2 South Main Street Highlands.
3. Ms. Peach is a customer of the 1118-1/2 South Main Street Highlands water system.
4. On August 2, 2021, Mr. Sledge and Ms. Peach, as Executrix of the Estate of Verna B. Sledge, filed an application to cancel an exempt utility registration and request a new exempt utility registration. The applicants wish to cancel Mr. Sledge's exempt utility registration number N0078 and request a new exempt utility registration number for Ms. Peach to serve the remaining six non-metered customers in Harris County.
5. In Order No. 2 filed on September 1, 2021, the ALJ found the application administratively incomplete and deficient and ordered Mr. Sledge and Ms. Peach to cure the deficiencies by October 1, 2021.

6. Mr. Sledge and Ms. Peach did not attempt to cure the deficiencies or otherwise respond to Order No. 2.
7. In Order No. 3 filed on November 2, 2021, the ALJ found the application remained administratively incomplete and deficient, and ordered Mr. Sledge and Ms. Peach to cure the deficiencies by December 1, 2021.
8. Mr. Sledge and Ms. Peach did not attempt to cure the deficiencies or otherwise respond to Order No. 3.
9. In Order No. 5 filed on January 21, 2022, the ALJ found the application remained administratively incomplete and deficient, and ordered Mr. Sledge and Ms. Peach to cure the deficiencies by February 3, 2022.
10. Mr. Sledge and Ms. Peach did not attempt to cure the deficiencies or otherwise respond to Order No. 5.
11. On March 10, 2022, Commission Staff filed a motion to dismiss without prejudice. Commission Staff stated a dismissal of this docket is appropriate because of Mr. Sledge and Ms. Peach's failure to amend an application such that it is sufficient after repeated determinations that the application is insufficient.
12. Mr. Sledge and Ms. Peach did not respond to the motion to dismiss.
13. No hearing was held on the motion to dismiss.
14. Mr. Sledge and Ms. Peach have filed nothing in this docket since they filed the application on August 2, 2021.

## **II. Conclusions of Law**

The ALJ makes the following conclusions of law.

1. The Commission has authority over the application under Texas Water Code (TWC) § 13.242(c).
2. Under 16 TAC § 22.181(d)(7), the ALJ may recommend to the Commission that it dismiss a proceeding, with or without prejudice, for failure to amend an application such that it is sufficient after repeated determinations that the application is insufficient.

3. Under 16 TAC § 22.181(f)(2), dismissal of a case for reasons other than those specified in 16 TAC § 22.181(g)(1) or (2) requires preparation of a PFD.
4. Dismissal of this proceeding, without prejudice, is warranted due to Mr. Sledge and Ms. Peach's failure to amend its application such that it is sufficient after repeated determinations, under 16 TAC § 22.181(d)(7).

### **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the ALJ recommends the following ordering paragraphs.

1. The Commission dismisses Mr. Sledge and Ms. Peach's application, without prejudice, for failure to amend the application such that it is sufficient after repeated determinations that the application is insufficient.
2. The Commission denies all other motions, and any other requests for general or special relief if not expressly granted.

**Signed at Austin, Texas the 2nd day of May 2022.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**CHRISTINA DENMARK**  
**ADMINISTRATIVE LAW JUDGE**