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APPEAL OF BROCOSKEY &	§	PUBLIC UTILITY COMMISSION
SHONNAH MAXIE APPEALING THE	§	
COST OF OBTAINING SERVICE	§	OF TEXAS
FROM THE CONSOLIDATED	§	
WATER SUPPLY CORPORATION	§	
	§	

COMMISSION STAFF'S MOTION TO DISMISS

On September 10, 2021, Brocoskey & Shonnah Maxie (the Maxies) filed with the Public Utility Commission of Texas (Commission) an appeal of the cost of obtaining water service from Consolidated Water Supply Corporation (CWSC) pursuant to Texas Water Code (TWC) § 13.043(g) and 16 Texas Administrative Code (TAC) § 24.101(g).

On November 23, 2021, the administrative law judge (ALJ) filed Order No. 3, establishing a deadline of December 20, 2021 for Commission Staff (Staff) to file a supplemental recommendation on the administrative completeness of the petition. Therefore, this pleading is timely filed.

I. MOTION TO DISMISS

On October 12, 2021, the ALJ filed Order No. 2, finding the petition administratively incomplete. In Order No. 2, the ALJ required the Maxies to cure the deficiencies by October 26, 2021. Staff conferred with the Maxies for supplemental information required to cure the deficiencies after that deadline but never received a response as to if and when it would be filed. Accordingly, Staff requested an extension to file its supplemental recommendation. In Order No. 3, granting Staff's extension request, the ALJ required the Maxies to cure the deficiencies by December 6, 2021. The ALJ also advised that a failure by the Maxies to timely comply could result in dismissal of their appeal. Prior to the December 6, 2021 deadline, Staff attempted to confer with the Maxies for the supplemental information, but did not receive a response. And after the deadline, Staff conferred with counsel for Consolidated WSC, who indicated that the Maxies paid for and were receiving water service, but that Consolidated WSC was unsure whether the Maxies wished to continue their appeal. As a result, Staff again attempted to confer with the Maxies regarding the supplemental information and whether they wished to continue their appeal but has not yet received a response.

Given the Maxies non-responsiveness to Staff's attempts to confer and their failure to timely comply with the procedural schedules in Order Nos. 2 and 3, Staff recommends that the appeal be dismissed without prejudice pursuant to 16 TAC § 22.181(d)(6) for failure to prosecute the appeal.

II. CONCLUSION

For the reasons detailed above, Staff respectfully requests the entry of an order granting Staff's motion to dismiss the appeal without prejudice.

Dated: December 20, 2021

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 December 20, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles