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DOCKET NO. 52640

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
EDINBURG TO AMEND	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY UNDER TEXAS	§	
WATER CODE § 13.255 AND TO	§	
DECERTIFY A PORTION OF NORTH	§	
ALAMO WATER SUPPLY	§	
CORPORATION'S SERVICE AREA IN	§	
HIDALGO COUNTY	§	

COMMISSION STAFF'S MOTION TO DISMISS

On September 27, 2021, the City of Edinburg (Edinburg) filed an application to amend its certificate of convenience and necessity (CCN) in Hidalgo County. Edinburg seeks approval to decertify a portion of North Alamo Water Supply Corporation's water CCN No. 10553 and amend to Edinburg's CCN No. 12106.

On March 7, 2022, the administrative law judge (ALJ) issued Order No. 4, establishing a deadline of March 4 for Edinburg to file supplemental information to cure the deficiencies as described in the October 27, 2021 memorandum of Patricia Garcia. Order No. 4 also stated that should Edinburg not make such a filing, this docket may be dismissed under 16 Texas Administrative Code (TAC) § 22.181(d)(6) for failure to prosecute. Therefore, this pleading is timely filed.

I. MOTION TO DISMISS WITHOUT PREJUDICE

As noted above, Order No. 4 directed Edinburg to make a filing to cure deficiencies described in Ms. Garcia's October 27, 2021 memorandum. As of the date of this filing Edinburg has made no such filing. Accordingly, the Staff (Staff) of the Public Utility Commission of Texas respectfully recommends that this docket be dismissed without prejudice for failure to amend an application such that it is sufficient after repeated determinations that the application is insufficient under 16 TAC 22.181(d)(6).

II. CONCLUSION

Based on the foregoing discussion, Staff respectfully requests that an order be issued dismissing the application without prejudice.

Dated: April 14, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
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/s/ John Harrison

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DOCKET NO. 50963

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 April 14, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison

John Harrison