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Public Utility Commission of Texas

TO: Stephen Journeay
Commission Counsel

All Parties of Record

FROM: Gregory R. Siemankowski
Administrative Law Judge

A handwritten signature in black ink, appearing to be "G. Siemankowski".

RE: **Docket No. 52640** – *Application of the City of Edinburg to Amend a Certificate of Convenience 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*

DATE: May 10, 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. 52640

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
EDINBURG TO AMEND A	§	
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	§	

PROPOSAL FOR DECISION

In this Proposal for Decision (PFD), the administrative law judge (ALJ) recommends that the Commission dismiss the application of the City of Edinburg to amend its certificate of convenience and necessity (CCN) and to decertify a portion of North Alamo Water Supply Corporations' service area in Hidalgo County due to Edinburg'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. On September 27, 2021, the City of Edinburg filed the application at issue in this proceeding seeking to amend its CCN and to decertify a portion of North Alamo Water Supply Corporations' service area in Hidalgo County.
2. Edinburg is a municipality in Hidalgo County, Texas.
3. In Order No. 2 filed on November 1, 2021, the ALJ found the application administratively incomplete and deficient and ordered Edinburg to cure the deficiencies by December 1, 2021.
4. Edinburg did not respond to Order No. 2.

5. In Order No. 4 filed on March 7, 2022, the ALJ found that the application remained administratively incomplete and deficient and ordered Edinburg to cure the deficiencies by April 4, 2022.
6. Edinburg did not respond to Order No. 4.
7. Edinburg has filed nothing in this docket since filing its application on September 27, 2021.
8. On April 14, 2022, Commission Staff filed a motion to dismiss the application, without prejudice.
9. The deadline for Edinburg to respond to Commission Staff's motion to dismiss was May 4, 2022.
10. Edinburg did not respond to the motion to dismiss.
11. No hearing was held on the motion to dismiss.

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) § 13.041, 13.241, 13.242, 13.244, 13.246, and 13.255.
2. Under 16 Texas Administrative Code (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. Edinburg has failed to amend its application such that it is sufficient after repeated determinations that the application is insufficient, thereby warranting dismissal of this proceeding, without prejudice, 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 Edinburg's application, without prejudice, due to Edinburg's 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 10th day of May 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE