



Control Number: 52640



Item Number: 14

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**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

2022 JUL 09 PM 1:05
JUL 11 2022 10:00 AM
CLERK

ORDER

This Order addresses 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. The administrative law judge (ALJ) recommended that the Commission dismiss the application 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 recommended that the dismissal be without prejudice. The Commission adopts the proposal for decision, including findings of fact and conclusions of law, to the extent provided in this order.

The Commission modifies conclusion of law 1 for accuracy. The Commission also makes non-substantive changes for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

I. Findings of Fact

The Commission adopts 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 Commission adopts the following conclusions of law.

1. The Commission has authority over the application under Texas Water Code (TWC) 13.241, 13.242, 13.244, 13.246, and 13.255.
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 proposal for decision.
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 Commission issues the following orders.

1. The Commission adopts the proposal for decision, including findings of fact and conclusions of law.
2. 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.
3. The Commission denies all other motions, and any other requests for general or special relief if not expressly granted.

Signed at Austin, Texas the 30th day of June 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



PETER M. LAKE, CHAIRMAN



WILL MCADAMS, COMMISSIONER



LORI COBOS, COMMISSIONER



JIMMY GLOTFELTY, COMMISSIONER