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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

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RE: **Docket No. 52850** – *Application of Conroe Resort Utilities, LLC for a Pass Through Rate change*

DATE: July 1, 2022

Enclosed is the Revised 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. Corrections were made to conclusion of law No. 2.

Please place this docket on an open meeting agenda for the Commissioners' consideration. Please notify me and the parties of the open meeting date.

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DOCKET NO. 52850

APPLICATION OF CONROE RESORT	§	PUBLIC UTILITY COMMISSION
UTILITIES, LLC FOR A PASS	§	
THROUGH RATE CHANGE	§	OF TEXAS

REVISED PROPOSAL FOR DECISION

In this Proposal for Decision (PFD), the administrative law judge (ALJ) recommends that the Commission dismiss the application of Conroe Resort Utilities, LLC for approval of a proposed pass-through rate change. The ALJ recommends dismissal due to Conroe's failure to amend its 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 November 15, 2021, Conroe filed an application seeking the Commission's approval of a proposed pass-through rate change related to San Jacinto River Authority's gallonage charge, effective November 1, 2021.
2. Conroe is a Delaware limited liability company registered with the Texas secretary of state under filing number 800827099.
3. In Order No. 2 filed on December 29, 2021, the ALJ found the application insufficient and ordered Conroe to cure the insufficiencies by January 14, 2022.
4. Conroe did not attempt to cure the insufficiencies by January 14, 2022.
5. In Order No. 3 filed on February 2, 2022, the ALJ found that the application remained insufficient and ordered Conroe to cure the insufficiencies by February 28, 2022.
6. Conroe did not attempt to cure the insufficiencies by February 28, 2022.
7. In Order No. 4 filed on March 15, 2022, the ALJ found that the application remained insufficient and ordered Conroe to cure the insufficiencies by April 15, 2022.
8. Conroe did not attempt to cure the insufficiencies by April 15, 2022.

9. Conroe has filed nothing in this docket since filing its application on November 15, 2021.
10. On April 29, 2022, Commission Staff filed a motion to dismiss the application, without prejudice.
11. The deadline for Conroe to respond to Commission Staff's motion to dismiss was May 19, 2022.
12. Conroe did not respond to the motion to dismiss.
13. 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.
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. Conroe failed to amend its application such that it is sufficient after repeated determinations that the application was 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 Conroe's application, without prejudice, due to Conroe's failure to amend its 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 1st day of July, 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

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GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE