



Control Number: 52850



Item Number: 13

DOCKET NO. 52850

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

This Order addresses the application of Conroe Resort Utilities, LLC for approval of a proposed pass-through rate change. The administrative law judge (ALJ) recommended that the Commission dismiss the application 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 recommended that the dismissal be without prejudice. The Commission adopts the revised proposal for decision, including findings of fact and conclusions of law.

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 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 Commission adopts 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 proposal for decision.
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 Commission issues the following orders.

1. The Commission adopts the revised proposal for decision, including findings of fact and conclusions of law.
2. 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.
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 14th day of July 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



PETER M. LAKE, CHAIRMAN



WILL MCADAMS, COMMISSIONER



LORI COBOS, COMMISSIONER



JIMMY GLOTFELTY, COMMISSIONER