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**APPLICATION OF SIMPLY AQUATICS § PUBLIC UTILITY COMMISSION
INC. FOR A CLASS D RATE §
ADJUSTMENT § OF TEXAS**

**ORDER NO. 5
FINDING APPLICATION REMAINS INCOMPLETE
AND DEFICIENT FOR FURTHER REVIEW AND
ESTABLISHING DEADLINE FOR RESPONSE TO MOTION TO DISMISS**

This Order addresses the sufficiency of Simply Aquatics, Inc.'s January 10, 2022 application for a class D rate adjustment. In Order No. 4 filed on March 28, 2022, the administrative law judge (ALJ) found the petition incomplete and ordered Simply Aquatics to cure the deficiency by April 11, 2022. Simply Aquatics failed to do so. The ALJ finds the application remains administratively incomplete and deficient.

On April 25, 2022, Commission Staff filed a motion to dismiss. Commission Staff recommends dismissal, without prejudice, for failure to amend the application such that it is sufficient after repeated determinations that the application is insufficient.

If Simply Aquatics wishes to respond to Commission Staff's motion to dismiss, it must do so by May 16, 2022.

Signed at Austin, Texas the 27th day of April 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



**HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE**