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

COMMISSION STAFF’S MOTION TO DISMISS

On January 10, 2022, Simply Aquatics Inc. (Simply Aquatics) filed an application for a Class D rate adjustment under Texas Water Code (TWC) § 13.1872 and 16 Texas Administrative Code (TAC) § 24.49 under its Certificate of Convenience and Necessity (CCN) No. 13259.

On March 28, 2022, the administrative law judge (ALJ) filed Order No. 4, establishing a deadline of April 25, 2022, for Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the sufficiency of the application and notice, and propose a procedural schedule, if appropriate. Therefore, this pleading is timely filed.

I. MOTION TO DISMISS

To date, Simply Aquatics has not filed a response to Staff’s recommendation filed on February 23, 2022. Therefore, Staff recommends that Simply Aquatics' application be dismissed without prejudice for failure to amend an application such that it is sufficient after repeated determinations that the application is insufficient.¹

II. CONCLUSION

Based on the foregoing discussion, Staff respectfully requests that an order be issued dismissing the application without prejudice.

¹ 16 TAC § 22.181(d)(7).

Dated: April 25, 2022

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record on April 25, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Bradley Reynolds
Bradley Reynolds