



## Filing Receipt

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**DOCKET NO. 53335**

<b>APPLICATION OF THE CITY OF</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>BANGS TO AMEND ITS</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>AND NECESSITY AND FOR DUAL</b>	<b>§</b>	
<b>CERTIFICATION WITH</b>	<b>§</b>	
<b>BROOKESMITH SPECIAL UTILITY</b>	<b>§</b>	
<b>DISTRICT IN BROWN COUNTY</b>	<b>§</b>	

**COMMISSION STAFF’S MOTION TO DISMISS**

On March 11, 2022, the City of Bangs (Bangs) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11093 and for dual certification with Brookesmith Special Utility District (SUD) in Brown County, Texas under Texas Water Code (TWC) §§ 13.242 through 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237.

On August 12, 2022, the administrative law judge (ALJ) filed Order No. 4, establishing a deadline of October 12, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation regarding the administrative completeness of the application, along with a procedural schedule, if appropriate. Therefore, this pleading is timely filed.

**I. MOTION TO DISMISS WITHOUT PREJUDICE**

To date, Bangs has not filed a single response to Staff’s recommendation on sufficiency filed on April 11, 2022. As detailed in Staff’s memorandum filed with its deficiency recommendation, Bangs has failed to provide the necessary application content and mapping information requested by Staff. Therefore, Staff recommends that Bang’s application be dismissed without prejudice for failure to amend an application such that it is sufficient after repeated determinations that the application is insufficient.<sup>1</sup>

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<sup>1</sup> 16 TAC § 22.181(d)(7).

## **II. CONCLUSION**

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

Dated: October 12, 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 via electronic mail on October 12, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Bradley Reynolds  
Bradley Reynolds