



Filing Receipt

Received - 2022-09-01 12:21:34 PM
Control Number - 53918
ItemNumber - 3

DOCKET NO. 53918

MCILRATH PROPERTIES LLC'S	§	PUBLIC UTILITY COMMISSION
APPEAL OF THE COST OF	§	
OBTAINING SERVICE FROM CADDO	§	OF TEXAS
Basin Special Utility District	§	

COMMISSION STAFF'S MOTION TO DISMISS

On August 1, 2022, McIlrath Properties LLC (Appellant) filed with the Public Utility Commission of Texas (Commission) an appeal of the cost of obtaining service from Caddo Basin Special Utility District (Caddo Basin SUD) under Texas Water Code (TWC) § 13.043(g) and 16 Texas Administrative Code (TAC) § 24.101(g).

On August 3, 2022, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of September 1, 2022 for the (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the petition. Therefore, this pleading is timely filed.

I. MOTION TO DISMISS

Staff has reviewed the appeal and, as supported by the attached memorandum from Roshan Pokhrel, Infrastructure Division, recommends that the appeal be dismissed. Specifically, an appeal under TWC § 13.043(g) and 16 TAC § 24.101(g) only applies for an applicant requesting service from an affected county or a water supply or sewer service corporation. However, the service provider in this appeal is a special utility district. As such, since the appeal does not qualify under the TWC § 13.043(g) and 16 TAC § 24.101(g), dismissal of the appeal is appropriate. Therefore, Staff recommends that it be dismissed for lack of jurisdiction under 16 TAC § 22.181(d)(1).

II. CONCLUSION

For the reasons detailed above, Staff respectfully requests the entry of an order granting Staff's motion to dismiss the appeal.

Dated: September 1, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

Sneha Patel
Managing Attorney

/s/ Scott Miles
Scott Miles
State Bar No. 24098103
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7228
(512) 936-7268 (facsimile)
Scott.Miles@puc.texas.gov

DOCKET NO. 53918

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 September 1, 2022 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles

Public Utility Commission of Texas

Memorandum

TO: Scott Miles, Attorney
Legal Division

FROM: Roshan Pokhrel, Engineer
Infrastructure Division

DATE: September 1, 2022

RE: **Docket No. 53918**, *McIlrath Properties LLC's Appeal of the Cost of Obtaining Service from Caddo Basin Special Utility District*

On August 1, 2022, McIlrath Properties LLC (Appellant) filed with the Public Utility Commission of Texas an appeal of the cost of obtaining service from Caddo Basin Special Utility District under Texas Water Code (TWC) § 13.043(g) and 16 Texas Administrative Code (TAC) § 24.101(g).

An appeal under TWC § 13.043(g) and 16 TAC § 24.101(g) only applies for an applicant requesting service from an affected county or a water supply or sewer service corporation. However, the service provider in this appeal is a special utility district. Therefore, since the appeal does not qualify under the TWC § 13.043(g) and 16 TAC § 24.101(g), I recommend that the appeal be dismissed.