



## Filing Receipt

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<b>MCILRATH PROPERTIES LLC'S</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>APPEAL OF THE COST OF</b>	<b>§</b>	
<b>OBTAINING SERVICE FROM CADDO</b>	<b>§</b>	<b>OF TEXAS</b>
<b>Basin SPECIAL UTILITY DISTRICT</b>	<b>§</b>	

**COMMISSION STAFF'S REQUEST FOR A RULING**

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 September 13, 2022, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of September 20, 2022 for the Appellant to file a response the motion to dismiss filed by the (Staff) of the Public Utility Commission of Texas (Commission) on September 1, 2022. To date, the Appellant has not filed a response, Therefore, Staff files this pleading to request a ruling on Staff's motion.

**I. REQUEST FOR A RULING**

Staff continues to recommend that the appeal be dismissed and requests a ruling as such. 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 continues to recommend that it be dismissed for lack of jurisdiction under 16 TAC § 22.181(d)(1). Because the Appellant did not timely file a response to Staff's motion to dismiss under 16 TAC § 22.181(e)(3), Staff respectfully requests a ruling dismissing this case.

**II. CONCLUSION**

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

Dated: October 20, 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

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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 20, 2022 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles  
Scott Miles