



Filing Receipt

Filing Date - 2023-11-21 09:29:58 AM

Control Number - 54682

Item Number - 18

DOCKET NO. 54682

APPLICATION OF PCS	§	PUBLIC UTILITY COMMISSION
DEVELOPMENT FOR A CLASS D	§	
RATE ADJUSTMENT	§	OF TEXAS

COMMISSION STAFF'S SECOND MOTION TO DISMISS

On February 14, 2023, P C S Development filed an application for a Class D rate adjustment under Texas Water Code (TWC) § 13.1872 and 16 Texas Administrative Code (TAC) § 24.49. Parkview holds Certificate and Convenience and Necessity (CCN) Nos. 12287 and 20717 and is requesting an increase in water and sewer rates.

On October 26, 2023, the administrative law judge (ALJ) filed Order No. 8, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the sufficiency of the application if P C S Development files information to cure its application, and if Staff continues to believe the application is deficient, to provide briefing on four questions raised in Order No. 8 by November 21, 2023. Therefore, this pleading is timely filed.

I. MOTION TO DISMISS

To date, P C S Development has yet to file supplemental information in response to the letter of deficiency filed on March 8, 2023 or file a response to Order No. 8. Therefore, Staff recommends that P C S Development's application be dismissed without prejudice pursuant to 16 TAC § 22.181(d)(7) for failure to amend an application such that it is sufficient after repeated determinations that the application is insufficient.¹ Because P C S Development did not file additional information in response to Order No. 8, Staff is filing another motion to dismiss in lieu of providing briefing.

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: November 21, 2023

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 will be provided to all parties of record via electronic mail on November 21, 2023 in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Bradley Reynolds
Bradley Reynolds