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DOCKET NO. 55403

APPLICATION OF SHOREWOOD	§	PUBLIC UTILITY COMMISSION
FOREST WATER SYSTEM FOR A	§	
CLASS D RATE ADJUSTMENT	§	OF TEXAS

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND MOTION TO DISMISS**

I. INTRODUCTION

On August 24, 2023, Shorewood Forest Water System (Shorewood Forest) filed an application for a class D rate adjustment under Texas Water Code (TWC) § 13.1872 and 16 Texas Administrative Code (TAC) § 24.49. Shorewood Forest holds certificate and convenience and necessity (CCN) number 12371 and indicates there are 100 active water connections.

On December 4, 2023, the administrative law judge (ALJ) filed Order No. 4, directing the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application by January 15, 2024. Along with Staff comments, Order No. 4 also directed Staff to file a recommendation on final disposition by January 15, 2024. Therefore, this pleading is timely filed.

II. MOTION TO DISMISS

In lieu of filing comments on the administrative completeness of the application, Staff files a motion to dismiss. Under 16 TAC § 22.181(e), dismissal of a proceeding may be made upon the motion of any party and that motion must specify at least one of the grounds for dismissal listed in 16 TAC § 22.181(d).

In Order No. 4, the ALJ established a deadline of December 14, 2023, for Shorewood Forest to cure the deficiencies described in Staff's September 19, 2023 letter. The ALJ also noted that failure to cure the deficiencies may result in the dismissal of this docket. Shorewood Forest has not responded to Order No. 4, nor has Shorewood Forest filed any filings in the docket other than the application filed on August 24, 2023. Because Shorewood Forest has not cured the deficiencies identified in Staff's September 19, 2023 letter and failed to respond to Order No. 4, Staff respectfully requests that the ALJ dismiss the proceeding without prejudice for failure to prosecute under 16 TAC § 22.181(d)(6).

III. CONCLUSION

Staff respectfully requests the issuance of an order dismissing this proceeding without prejudice for failure to prosecute under 16 TAC § 22.181(d)(6).

Dated: January 16, 2024

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 January 16, 2024, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Kevin Pierce
Kevin Pierce