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DOCKET NO. 56826

**COMPLAINT OF HELEN ELAM
AGAINST UNDINE TEXAS, LLC**

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**PUBLIC UTILITY COMMISSION

OF TEXAS**

**ORDER NO. 4
DISMISSING COMPLAINT AND CLOSING DOCKET**

This proceeding appears to be an attempt by Helen Elam to assert a formal complaint against Undine Texas, LLC under 16 Texas Administrative Code (TAC) § 22.242. In this Order, the Commission dismisses this proceeding, under 16 TAC § 22.181(d)(6) and (7), because Ms. Elam failed to prosecute her complaint and failed to amend her complaint such that it is sufficient after repeated determinations that the complaint is insufficient. The Commission dismisses this complaint without prejudice.

I. Findings of Fact

The Commission makes the following findings of fact.

1. Ms. Elam is an individual.
2. On July 16, 2024, Ms. Elam made a filing initiating this proceeding.
3. In Order No. 1 filed on August 27, 2024, the administrative law judge (ALJ) treated Ms. Elam's July 16, 2024 filing as a formal complaint under 16 TAC § 22.242, found the formal complaint deficient and ordered Ms. Elam to file an amended complaint and provide additional documentation by September 10, 2024.
4. Ms. Elam did not amend the complaint or otherwise respond to Order No. 1.
5. In Order No. 2 filed on October 10, 2024, the ALJ found the complaint remained deficient and ordered Ms. Elam to file an amended complaint and provide additional documentation by October 22, 2024.
6. Ms. Elam did not amend the complaint or otherwise respond to Order No. 2.
7. In Order No. 3 filed on November 18, 2024, the ALJ found the complaint remained deficient. Additionally, the ALJ moved to dismiss this proceeding for failure to prosecute and failure to amend the complaint such that it is sufficient after repeated determinations that the complaint is insufficient, under 16 TAC § 22.181(d)(6) and (7).

8. The deadline to respond to the motion to dismiss was December 9, 2024.
9. Ms. Elam did not amend the complaint or otherwise file a response to Order No. 3 or the motion to dismiss.
10. To date, Ms. Elam has made no filings in this docket since her initial filing on July 16, 2024.
11. No hearing was held on the motion to dismiss.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over this matter under Texas Water Code (TWC) §§ 13.041 and 13.187.
2. The Commission may dismiss a proceeding, with or without prejudice, upon the motion of the presiding officer or any party, for failure to prosecute under 16 TAC § 22.181(d)(6).
3. The Commission may dismiss a proceeding, with or without prejudice, upon the motion of the presiding officer or any party, for failure to amend a complaint such that it is sufficient after repeated determinations that the complaint is insufficient under 16 TAC § 22.181(d)(7).
4. Ms. Elam's failure to prosecute and failure to amend the complaint such that it is sufficient after repeated determinations that the complaint is insufficient warrants dismissal, without prejudice, under 16 TAC §§ 22.181(d)(6) and (7).
5. Under 16 TAC § 22.181(f)(2)(B), if the reason for dismissal is failure to prosecute or failure to amend an application such that is sufficient after repeated determinations that the application is insufficient, or both, and the dismissal is without prejudice, then preparation of a proposal for decision is not required.
6. Under 16 TAC § 22.181(c), this proceeding may be dismissed without a hearing because the facts necessary to support the dismissal are uncontested.
7. Under 16 TAC § 22.181(f)(3), this Order is a final order of the Commission and is subject to motions for rehearing under 16 TAC § 22.264.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission dismisses Ms. Elam's complaint, without prejudice, due to her failure to prosecute the complaint and due to her failure to amend her complaint such that it is sufficient after repeated determinations that the complaint is insufficient.
2. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted and closes this docket.

Signed at Austin, Texas on the 17th day of January 2025.

PUBLIC UTILITY COMMISSION OF TEXAS



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ADMINISTRATIVE LAW JUDGE