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DOCKET NO. 57223

COMPLAINT OF CARRIE WILCOXSON AGAINST CSWR-TEXAS UTILITY OPERATING COMPANY, LLC	§ § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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**ORDER NO. 4
DISMISSING COMPLAINT FOR FAILURE TO PROSECUTE AND FAILURE TO
AMEND, AND CLOSING DOCKET**

In this proceeding, Carrie Wilcoxson filed a formal complaint against CSWR-Texas Utility Operating Company, LLC under 16 Texas Administrative Code (TAC) § 22.242. In this Order, the Commission dismisses the complaint, under 16 TAC § 22.181(d)(6) and (7), because Ms. Wilcoxson 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

1. Ms. Wilcoxson is an individual.
2. On October 18, 2024, Ms. Wilcoxson filed the complaint at issue in this proceeding.
3. On October 21, 2024, Ms. Wilcoxson filed supplemental information to her complaint.
4. In Order No. 1 filed on October 22, 2024, the administrative law judge (ALJ) found the complaint insufficient and ordered Ms. Wilcoxson to file an amended complaint to cure the deficiencies by November 22, 2024.
5. Ms. Wilcoxson did not amend the complaint or otherwise respond to Order No. 1.
6. In Order No. 2 filed on November 25, 2024, the ALJ found the complaint remained insufficient and ordered Ms. Wilcoxson to file an amended complaint to cure the deficiencies by December 16, 2024.
7. Ms. Wilcoxson did not amend the complaint or otherwise respond to Order No. 2.
8. In Order No. 3 filed on December 19, 2024, the ALJ found the complaint remained insufficient and ordered Ms. Wilcoxson to file an amended complaint to cure the deficiencies by January 9, 2025.

9. Also in Order No. 3, the ALJ also moved to dismiss the complaint for failure to prosecute, under 16 TAC § 22.181(d)(6), and for failure to amend the complaint such that it is sufficient after repeated determinations that the complaint is insufficient, under 16 TAC § 22.181(d)(7).
10. The deadline to respond to Order No. 3 was January 9, 2025.
11. Ms. Wilcoxson did not amend the complaint or otherwise respond to Order No. 4 or the motion to dismiss.
12. Ms. Wilcoxson has made no filings in this docket since filing the supplemental information to her complaint on October 21, 2024.
13. 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 §§ 13.041 and 13.133.
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 the complaint such that it is sufficient after repeated determinations that the complaint is insufficient under 16 TAC § 22.181(d)(7).
4. Ms. Wilcoxson's failure to prosecute and failure to amend her complaint such that it is sufficient after repeated determinations that her 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 prosecute or failure to amend a complaint such that is sufficient after repeated determinations that the complaint 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. Wilcoxson's complaint, without prejudice, due to her failure to prosecute and failure to amend the 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 in Austin, Texas on the 10th day of January 2025.

PUBLIC UTILITY COMMISSION OF TEXAS



REBECCA BROMLEY-WILLIAMS
ADMINISTRATIVE LAW JUDGE