



## **Filing Receipt**

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**Item Number - 3**

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Commissioner



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## *Public Utility Commission of Texas*

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TO: Shelah Cisneros  
Commission Counsel

All Parties of Record

FROM: Issac Ta *I. T.*  
Administrative Law Judge

RE: **Docket No. 57465** – *Complaint of Sergio Zuniga Against Moscow Water Supply Corporation*

DATE: February 11, 2025

Enclosed is the Proposal for Decision (PFD) in the above-referenced case. By copy of this memorandum, the parties to this proceeding are being served with the PFD.

Please place this docket on an open meeting agenda for the Commissioners' consideration. Please notify me and the parties of the open meeting date, as well as the deadline for filing exceptions to the PFD, replies to the exceptions, and requests for oral argument.

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**DOCKET NO. 57465**

<b>COMPLAINT OF SERGIO ZUNIGA</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>AGAINST MOSCOW WATER SUPPLY</b>	<b>§</b>	
<b>CORPORATION</b>	<b>§</b>	<b>OF TEXAS</b>

**PROPOSAL FOR DECISION**

In this proceeding, Sergio Zuniga filed a formal complaint against Moscow Water Supply Corporation under 16 Texas Administrative Code (TAC) § 22.242. In this Proposal for Decision (PFD), the administrative law judge (ALJ) recommends that the Commission dismiss the complaint, under 16 TAC § 22.181(d)(5), because the formal complaint is an unnecessary duplication of proceedings. The ALJ recommends that the dismissal be without prejudice.

**I. Findings of Fact**

The ALJ makes the following findings of fact.

1. Mr. Zuniga is an individual.
2. Moscow WSC is a Texas non-profit water supply corporation operating under chapter 67 of the Texas Water Code (TWC) and registered with the Texas secretary of state under filing number 0027149301.
3. Moscow WSC operates, maintains, and controls facilities in Texas for providing sewer service for compensation under certificate of convenience and necessity number 20057.
4. On December 19, 2024, Mr. Zuniga filed the formal complaint at issue in this proceeding, alleging that Moscow WSC has improperly refused to provide sewer service to his property, which is within Moscow WSC's certificated area. In his complaint, Mr. Zuniga asserts that he filed a motion to intervene in Docket No. 56780<sup>1</sup> and that the formal complaint at issue in this proceeding was filed for the purpose of avoiding a delay if his motion to intervene was denied.

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<sup>1</sup> *Complaint of Christopher Vazquez Against Moscow Water Supply Corporation*, Docket No. 56780, Right of Intervention (Dec. 18, 2024).

5. In Order No. 5 filed in Docket No. 56780 on January 7, 2025, Mr. Zuniga's motion to intervene was granted.
6. In Order No. 1 filed in this docket on January 7, 2025, the ALJ moved to dismiss the complaint as an unnecessary duplication of proceedings under 16 TAC § 22.181(d)(5).
7. The deadline to respond to the motion to dismiss was January 27, 2025.
8. No party responded to the motion to dismiss.
9. No hearing was held on the motion to dismiss, and none is necessary because the relevant facts are not disputed by the parties.

## **II. Conclusions of Law**

The ALJ makes the following conclusions of law.

1. The Commission has authority over this matter under TWC § 13.041, 13.242, and 13.250.
2. Mr. Zuniga is entitled to bring his complaint under 16 TAC § 22.242(a).
3. Under 16 TAC § 22.181(d)(5), the ALJ may recommend to the Commission that it dismiss a proceeding, with or without prejudice, if the proceeding constitutes an unnecessary duplication of another proceeding.
4. Mr. Zuniga's complaint should be dismissed, under 16 TAC § 22.181(d)(5), because the relief he seeks in this proceeding is duplicative of the relief he seeks in Docket No. 56780.
5. Under 16 TAC § 22.181(c), this proceeding may be dismissed without a hearing because the facts necessary to support the dismissal are uncontested.
6. Under 16 TAC § 22.181(f)(2), dismissal of this proceeding requires preparation of a PFD.
7. This PFD was issued in accordance with Texas Government Code § 2001.062 and 16 TAC § 22.261(a).

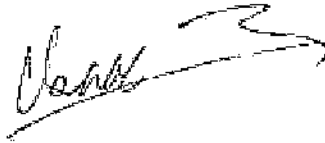
### **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the ALJ recommends the following ordering paragraphs.

1. The Commission dismisses Mr. Zuniga's complaint, without prejudice, because the complaint is an unnecessary duplication of another proceeding.
2. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

**Signed at Austin, Texas on the 11th day of February 2025.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

A handwritten signature in black ink, appearing to read 'Isaac TA', with a long, sweeping horizontal line extending to the right.

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**ISAAC TA  
ADMINISTRATIVE LAW JUDGE**