



In The
Eleventh Court of Appeals

No. 11-12-00040-CV

SIERRA CLUB, Appellant

V.

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AND TENASKA TRAILBLAZER PARTNERS, LLC, Appellees**

**On Appeal from the 201st District Court
Travis County, Texas
Trial Court Cause No. D-1-GN-11-000763**

MEMORANDUM OPINION

Sierra Club, Appellant, has filed in this court an unopposed motion to dismiss this appeal as moot pursuant to TEX. R. APP. P. 42.1(a)(1). In the motion, Appellant states that this appeal—from the trial court’s order granting a plea to the jurisdiction—is moot because Tenaska Trailblazer Partners, LLC “has terminated the proposed power plant and . . . requested that the Texas Commission [on] Environmental Quality void the air permits that are the subject of this appeal.” The Texas Commission on Environmental Quality duly voided the air permits on July 8, 2013, and there is no live case or controversy to appeal.

In the motion, Appellant also requests that, pursuant to *Texas Foundries v. International Moulders & Foundry Workers' Union*, 248 S.W.2d 460, 461 (Tex. 1952), we vacate the trial court's order due to its mootness. Courts of this state have no jurisdiction to render advisory opinions in a case that has become moot. *Speer v. Presbyterian Children's Home and Serv. Agency*, 847 S.W.2d 227 (Tex. 1993). Therefore, in accordance with Appellant's unopposed motion and because a live controversy no longer exists, we vacate the judgment of the trial court and dismiss this case as moot. *See id.*

We grant Appellant's unopposed motion to dismiss as moot. Accordingly, we vacate the order of the trial court and dismiss this appeal.

PER CURIAM

August 1, 2013

Panel consists of: Wright, C.J.,
McCall, J., and Willson, J.