

Opinion filed October 24, 2013



In The

# Eleventh Court of Appeals

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No. 11-12-00108-CV

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**MULTI-COUNTY COALITION, Appellant**

**V.**

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

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**On Appeal from the 345th District Court  
Travis County, Texas  
Trial Court Cause No. D-1-GN-11-000815**

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## MEMORANDUM OPINION

Appellee Texas Commission on Environmental Quality has filed in this court a motion to dismiss this appeal as moot pursuant to TEX. R. APP. P. 42.1(a)(1). In the motion, TCEQ states that this appeal is moot because Tenaska Trailblazer Partners, LLC “has terminated the power plant project and the air permits have been voided.” TCEQ voided the air permits on July 8, 2013, and there is no longer a live case or controversy to appeal.

In the motion, TCEQ requests that this case be dismissed as moot and that the judgment of the district court be vacated. *See Tex. Foundries v. Int'l Moulders & Foundry Workers' Union*, 248 S.W.2d 460, 461 (Tex. 1952). Courts of this state have no jurisdiction to render advisory opinions in a case that has become moot. *Speer v. Presbyterian Children's Home & Serv. Agency*, 847 S.W.2d 227 (Tex. 1993). Therefore, in accordance with TCEQ's 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 note that, in a companion case, Sierra Club filed an unopposed motion to dismiss on the same basis that TCEQ asserts in its motion in this case. This court granted the motion in the companion case in a memorandum opinion issued on August 1, 2013, in our Cause No. 11-12-00040-CV, *Sierra Club v. Texas Commission on Environmental Quality and Tenaska Trailblazer Partners, LLC*. Multi-County Coalition, the appellant in the present case, has not responded to this court's inquiries or to TCEQ's motion to dismiss as moot.

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

PER CURIAM

October 24, 2013

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