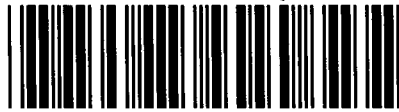




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PUBLIC UTILITY COMMISSION  
FILING CLERK

COMPLAINT OF J. HINKEN AGAINST  
BASTROP WEST WATER AND PAUL  
KLAUS

§  
§  
§

PUBLIC UTILITY COMMISSION  
OF TEXAS

### ORDER

This order addresses the complaint of J. Hinken against Bastrop West Water and its owner, Paul Klaus, alleging improper pursuit of charges against her for costs related to damage to Bastrop West's waterline and for fees related to the installation of a meter on property formerly owned by Ms. Hinken. The complaint is dismissed for the reasons discussed in this order.

The Commission adopts the following findings of fact and conclusions of law:

#### I. Findings of Fact

1. On September 30, 2015, J. Hinken (complainant) filed a formal complaint against Bastrop West Water and its owner, Paul Klaus (together, BWB), disputing charges for meter damage and installation.
2. Complainant disputed a \$225 charge for one-half of the installation cost of a new meter on property previously owned by and adjacent to property currently owned by complainant. Complainant also disputed a \$430 charge in relation to damage allegedly caused to BWB's main service line on complainant's property by a handyman hired by complainant.
3. On November 9, 2015, the Public Utility Commission of Texas (Commission) referred the complaint to the State Office of Administrative Hearings (SOAH) and requested the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision.
4. On December 18, 2015, the Commission issued a preliminary order identifying the issues to be addressed in this proceeding.
5. On June 10, 2016, complainant filed her direct testimony. On July 7, 2016, BWB filed its direct testimony. On August 8, 2016, Commission Staff filed a statement of position.

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6. After several continuances, SOAH Order No. 15 set the date for the hearing on the merits to be January 31, 2017.
7. The hearing convened at 9:00 a.m. on January 31, 2017, before ALJ Stephanie Frazee at SOAH in the William P. Clements Building, 300 West 15th Street, Fourth Floor, Austin, Texas. BWW and Staff appeared at the hearing. Despite receiving sufficient notice of the hearing, complainant did not appear.
8. At the hearing, Commission Staff moved to dismiss the case for lack of prosecution. Later the same day, Commission Staff filed a motion to dismiss the hearing. No response to the motion was filed.
9. Over 20 days elapsed after Commission Staff filed its motion to dismiss, and, on February 23, 2017, the ALJ granted the motion in SOAH Order No. 16.

## **II. Conclusions of Law**

1. The Commission has jurisdiction over this matter pursuant to the Public Utility Regulatory Act (PURA), Texas Utilities Code §§ 14.001, .051, 15.051, and Texas Water Code § 13.041.
2. SOAH has jurisdiction over matters relating to the conduct of the hearing in this case, including the preparation of a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code § 2003.049; PURA § 14.053; Tex. Water Code § 13.041.
3. Notice of the hearing was provided consistent with Texas Government Code § 2001.052-.053 and 16 Texas Administrative Code subchapter D.
4. The complaint is dismissed under 16 Texas Administrative Code § 22.181(d)(6) for complainant's failure to appear at the January 31, 2017 hearing on the merits and her failure to prosecute her complaint.

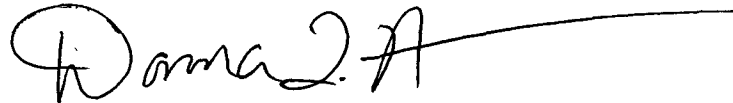
### III. Ordering Paragraphs

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

1. The complaint filed by complainant against BWW is dismissed.
2. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the 13<sup>th</sup> day of April 2017.

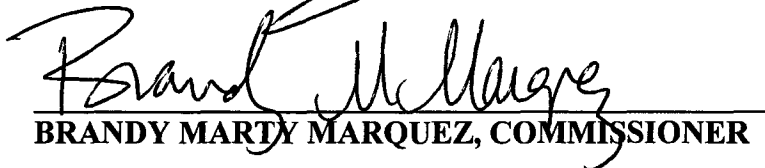
**PUBLIC UTILITY COMMISSION OF TEXAS**



**DONNA L. NELSON, CHAIRMAN**



**KENNETH W. ANDERSON, JR., COMMISSIONER**



**BRANDY MARTY MARQUEZ, COMMISSIONER**