



Control Number: 45276



Item Number: 3

Addendum StartPage: 0

DOCKET NO. 45276

PETITION TO REVOKE SAN JACINTO §
UTILITY, INCORPORATED'S §
CERTIFICATE OF PUBLIC §
CONVENIENCE AND NECESSITY §
PURSUANT TO TEX. WATER CODE §
ANN. § 13.254 AND 16 TAC § 24.113 §

RECEIVED
2015 DEC 29
PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

**STAFF'S MOTION FOR ISSUANCE OF A DEFAULT ORDER
OF REVOCATION AND ATTACHED PROPOSED ORDER**

Staff of the Public Utility Commission of Texas (Commission) files this Motion for Issuance of a Default Order of Revocation and Attached Proposed Order (Motion for Default Order) requesting revocation of San Jacinto Utility, Incorporated's (San Jacinto) Certificate of Public Convenience and Necessity (CCN) No. 20606.

I. INTRODUCTION

For each of the reasons discussed below, a Default Order should be issued granting all relief sought in Staff's Petition to Revoke San Jacinto Utility, Incorporated's Certificate of Public Convenience and Necessity and Notice of Opportunity for a Hearing (Petition and Notice of Opportunity for a Hearing), filed on October 23, 2015. In support of this Motion for Default Order, the Staff respectfully shows the following:

II. JURISDICTION AND LEGAL AUTHORITY

The contested case provisions of the Administrative Procedure Act, Tex. Gov't Code Ann. § 2001.051 (West 2007 & Supp. 2014) (APA), entitle a party to an opportunity for a hearing after reasonable notice of not less than 10 days, and to respond to and present evidence and argument on each issue involved in the case. Pursuant to 16 Texas Admin. Code § 22.183 (TAC), if a hearing is not requested within 30 days after service of notice of an opportunity for hearing a

3

default occurs.¹ Upon default, the presiding officer may issue a default order, disposing of the proceeding without a hearing, on an informal basis.² In addition, factual allegations in the Petition and Notice of Opportunity for a Hearing may be deemed admitted and the relief sought may be granted by default.³

A default order requires adequate proof that the notice of the opportunity for a hearing was sent by certified mail to the party's last known address in the Commission's records or the registered agent for process for the party on file with the Secretary of State. There must also be proof that the notice of the opportunity for a hearing included a disclosure in at least twelve-point bold face type that the factual allegations may be deemed admitted and relief sought granted if the party fails to timely request a hearing.

III. FACTUAL ALLEGATIONS

On October 23, 2015, Staff filed the Petition and Notice of Opportunity for Hearing seeking revocation of San Jacinto's CCN No. 20606. The Petition and Notice of Opportunity for Hearing included the required disclosure in fourteen point bolded and underlined font.⁴ Additionally, in license revocation proceedings, it is required that notice be given "by personal service or by registered or certified mail to the license holder of facts or conduct alleged to warrant the intended action."⁵ In order to proceed on a default basis, 16 TAC § 22.183 requires Staff to provide notice by certified mail, return receipt requested: (a) to a certificate holder's last known address in the Commission's records; (b) to the person's registered agent for process on file with the Secretary of State; or (c) to an address for the party identified after reasonable investigation if the first two options are not applicable.

In accordance with these provisions, Staff sent a copy of the Petition and Notice of Opportunity for a Hearing by certified mail, return receipt requested, to the addresses listed

¹ 16 TAC § 22.183.

² APA § 2001.051 and 16 TAC § 22.183.

³ *Id.*

⁴ See attached Petition and Notice of Opportunity for Hearing (Attachment 1).

⁵ *Id.* at § 2001.054

below.⁶ Staff sent a copy of the Petition and Notice of Opportunity for a Hearing by certified mail, return receipt requested, to San Jacinto's last known address in the Commission's records:⁷

San Jacinto Utility Incorporated
5908 Stone Meadow Ln
Fort Worth, TX 76179

Staff also sent a copy of the Petition and Notice of Opportunity for a Hearing by certified mail, return receipt requested, to the address used in TCEQ proceedings:⁸

San Jacinto Utility Incorporated
1101 Ridge Road #208
Rockwall, TX 75087

Staff also sent a copy of the Petition and Notice of Opportunity for a Hearing by certified mail, return receipt requested, to the address for the registered agent for process on file with the Secretary of State:⁹

Ken Dejarnett
Route 2, Box 30-W
Rockwall, TX 75087

Staff also sent a copy of the Petition and Notice of Opportunity for a Hearing by certified mail, return receipt requested, to the address for the director of San Jacinto on file with the Secretary of State:¹⁰

William W Tenison
PO Box 2220
McKinney, TX 75070

Despite service of the Petition and Notice of Opportunity for a Hearing, San Jacinto failed to request a hearing on the merits and more than 30 days have passed since service of the Petition and Notice of Opportunity for Hearing.

⁶ See Affidavit of Tasha Lopez, Attachment 2; *see also* Attachment 3, Receipts from the Certified Mail Label. All copies of the Petition and Notice of Opportunity for a Hearing were either unclaimed or returned to the Commission.

⁷ See Affidavit of Tasha Lopez, Attachment 2; *see also* Attachment 3, Receipts from the Certified Mail Label.

⁸ *Id.*

⁹ *Id.*

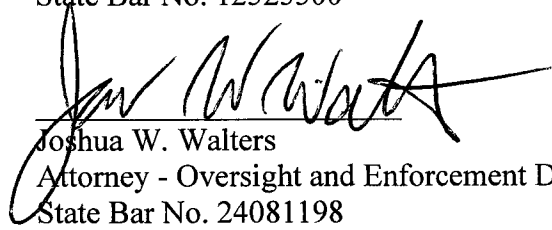
¹⁰ *Id.*

IV. REQUEST

Staff respectfully requests that all relief sought in the Petition and Notice of Opportunity for a Hearing be granted and all facts alleged be deemed admitted by the issuance of the attached proposed default order,¹¹ with no further notice to San Jacinto, revoking San Jacinto's CCN No. 20606.

Respectfully Submitted,

Robert M. Long
Division Director
Oversight and Enforcement Division
State Bar No. 12525500



Joshua W. Walters
Attorney - Oversight and Enforcement Division
State Bar No. 24081198
(512) 936-7385
(512) 936-7208 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

¹¹ A Microsoft Word copy of the attached proposed order is available at P:\45276\Proposed Default Order San Jacinto.docx.

CERTIFICATE OF SERVICE

I certify that on December 8, 2015, pursuant to 16 Texas. Admin. Code § 22.183(b)(2), a copy of this document was sent certified mail, return receipt requested, to the last known address of San Jacinto Utility, Incorporated (San Jacinto) in the Commission's records, to addresses used in the Texas Commission on Environmental Quality (TCEQ) proceedings, to the address for the registered agent for process on file with the Secretary of State, and to the address for the director of San Jacinto on file with the Secretary of State:

San Jacinto's Last Known Address in Commission Records:

San Jacinto Utility Incorporated
5908 Stone Meadow Ln
Fort Worth, TX 76179

Address used in TCEQ Proceedings:

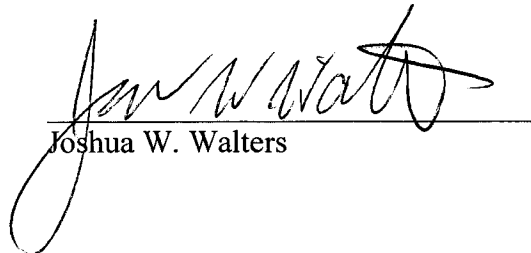
San Jacinto Utility Incorporated
1101 Ridge Road #208
Rockwall, TX 75087

Address for the registered agent for process on file with the Secretary of State:

Ken Dejarnett
Route 2, Box 30-W
Rockwall, TX 75087

Address for the director of San Jacinto on file with the Secretary of State:

William W Tenison
PO Box 2220
McKinney, TX 75070


Joshua W. Walters

Attachment 1

Petition of Notice and Opportunity for a Hearing

DOCKET NO. **45276**

PETITION TO REVOKE SAN JACINTO
UTILITY, INCORPORATED'S
CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY
PURSUANT TO TEX. WATER CODE
ANN. § 13.254 AND 16 TAC § 24.113

§
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§
§
§
§

PUBLIC UTILITY COMMISSION

OF TEXAS

2015 OCT 23 AM 10:20
PUBLIC UTILITY COMMISSION
FILES CLERK

COMMISSION STAFF'S PETITION TO REVOKE
SAN JACINTO UTILITY, INCORPORATED'S
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND
NOTICE OF OPPORTUNITY FOR A HEARING

Staff of the Public Utility Commission of Texas (Commission) files this Petition to Revoke San Jacinto Utility, Incorporated's Certificate of Public Convenience and Necessity (Petition) and hereby provides notice of the opportunity to request a hearing on the merits of this Petition.

I. INTRODUCTION

For the reasons discussed below, the sewer system Certificate of Public Convenience and Necessity (CCN) No. 20606 for San Jacinto Utility, Incorporated (San Jacinto Utility) should be revoked. From 1997 until sometime before May 2008, San Jacinto Utility was operated by a receiver appointed after the original owner passed away. Subsequently, the receiver left the state of Texas without the permission of the court to cease operating the utility. No new receiver was appointed and the Texas Commission on Environmental Quality (TCEQ) was unsuccessful in appointing a temporary manager to operate the utility. Due to the poor condition of the San Jacinto Utility wastewater treatment plant (WWTP), all former property owners served by San Jacinto Utility each installed an onsite sewage facility and were disconnected from the San Jacinto Utility system by June 2011. Subsequently, the San Jacinto Utility WWTP was dismantled.

In the event San Jacinto Utility fails to request a hearing within thirty days of service of this Petition, a default order should be issued, without additional notice to San Jacinto Utility, granting all relief sought in this Petition. In support of this Petition, Staff respectfully shows the following:

II. JURISDICTION AND LEGAL AUTHORITY

The Commission is authorized to regulate and supervise the business of each water and sewer utility within its jurisdiction.¹ Pursuant to TEX. WATER CODE ANN. § 13.242 (West Supp. 2014) (TWC), a “sewer service corporation may not in any way render . . . sewer utility service directly or indirectly to the public without first having obtained from the utility commission a certificate that the present or future public convenience and necessity will require that installation, operation, or extension.”² A CCN is defined as “[a] permit issued by the commission which authorizes and obligates a retail public utility to furnish, make available, render, or extend continuous and adequate retail water or sewer service to a specified geographic area.”³ A retail public utility is “[a]ny person corporation, public utility, water supply or sewer service corporation, municipality, political subdivision or agency operating, maintaining, or controlling in this state facilities for providing potable water service or sewer service, or both, for compensation.”⁴ A retail public utility that possesses a CCN is required to provide “continuous and adequate service.”⁵

A retail public utility that possesses a CCN and fails to provide continuous and adequate service may be subject to revocation.⁶ As part of this authority, the Commission, “after notice and hearing, may revoke or amend any” CCN if the commission finds that “the certificate holder has never provided, is no longer providing, is incapable of providing, or has failed to provide continuous and adequate service in the area, or part of the area, covered by the certificate.”⁷

Pursuant to the contested case provisions of the Administrative Procedure Act,⁸ a party is entitled to an opportunity for a hearing after reasonable notice of not less than 10 days, where the party may respond to and present evidence and argument on each issue involved in the case.⁹ If a hearing is not requested within thirty days after service of notice of an opportunity for hearing, a

¹ TEX. WATER CODE ANN. § 13.041 (West Supp. 2014) (TWC). See also, House Bill 1600 and Senate Bill 567 83rd Legislature, Regular Session, which transferred the functions relating to the economic regulation of water and sewer utilities from the Texas Commission on Environmental Quality to the Public Utility Commission effective September 1, 2014.

² TWC § 13.242.

³ 16 Tex. Admin.Code § 24.3(10) (TAC).

⁴ TWC § 13.002(19) and 16 TAC § 24.3(41).

⁵ TWC § 13.250(a) and 16 TAC § 24.114.

⁶ TWC § 13.254 and 16 TAC 24.113.

⁷ *Id.*

⁸ Administrative Procedure Act, TEX. GOV'T CODE ANN. §§ 2001.001-.902 (West 2008 & Supp. 2014) (APA).

⁹ APA §§ 2001.051-.178.

default occurs.¹⁰ Upon default, the presiding officer may issue a default order, revoking the certificate without a hearing on an informal basis.¹¹

III. FACTUAL ALLEGATIONS

On August 28, 1991, San Jacinto Utility was granted CCN No. 20606.¹² The original owner of San Jacinto Utility passed away in 1997. At that time, the utility was placed into a receivership and Mr. David Lucas was appointed as receiver. On or before May 2008, Mr. Lucas left the state of Texas and abandoned the San Jacinto Utility. Mr. Lucas did not receive permission from the court to abandon the utility as receiver, nor did he arrange for another party to operate the utility. The Office of the Attorney General determined that a new receiver could not be appointed because the utility had been under receivership for too long. Efforts to appoint a temporary manager by the TCEQ failed because of the extremely poor condition of the WWTP and the lack of a discharge permit for the WWTP. In June 2009, the Johnson County Public Works notified all property owners that the WWTP needed to be shut down due to its extremely poor condition. By June 2011, all former property owners served by San Jacinto Utility had each installed an onsite sewage facility and were disconnected from the San Jacinto Utility system. The San Jacinto Utility WWTP was then dismantled. The utility has ceased to operate.

IV. RECOMMENDATION FOR REVOCATION

The Commission should revoke San Jacinto Utility's CCN No. 20606 because San Jacinto Utility and the facilities it used to provide continuous and adequate service no longer exist. As discussed previously, the receiver appointed to operate the utility left the state of Texas sometime prior to May 2008 without arranging for anyone else to operate the utility. The receiver thereby abandoned the utility. Since the abandonment, all property owners formerly served by the San Jacinto Utility installed their own onsite sewage facilities. Furthermore, the San Jacinto Utility WWTP was dismantled and filled in by the end of 2011. Thus, San Jacinto Utility is no longer capable of providing continuous and adequate service and is incapable of ever again providing continuous and adequate sewer service.¹³ For the above stated reasons, Staff recommends revocation of CCN No. 20606 pursuant to TWC § 13.254(a)(1) and 16 TAC § 24.113(a)(1).

¹⁰ 16 TAC § 22.183.

¹¹ APA § 2001.056(4) and 16 TAC § 22.183.

¹² CCN No. 20606 covers an area approximately sixteen miles northeast of the town of Cleburne, Texas (see Attachments 1 and 2).

¹³ See TWC § 13.254(a)(1) and 16 TAC 24.113(a)(1).

V. NOTICE OF OPPORTUNITY FOR HEARING

16 TAC § 22.54 requires Staff to provide reasonable notice to persons affected by a proceeding in accordance with the Administrative Procedure Act.¹⁴ In license revocation proceedings, it is required that notice be given "by personal service or by registered or certified mail to the license holder of facts or conduct alleged to warrant the intended action."¹⁵ In order to proceed on a default basis, 16 TAC § 22.183 requires Staff to provide notice by certified mail, return receipt requested: (a) to a certificate holder's last known address in the Commission's records; (b) to the person's registered agent for process on file with the Secretary of State; or (3) to an address for the party identified after reasonable investigation if the first two options are not applicable.

In accordance with these provisions, Staff will provide a copy of this petition by certified mail, return receipt requested, to San Jacinto Utility's owner's last known address in the Commission's records:

San Jacinto Utility Incorporated
5908 Stone Meadow Ln
Fort Worth, TX 76179

Staff will also provide a copy of this petition by certified mail, return receipt requested, to the address used in TCEQ proceedings:

San Jacinto Utility Incorporated
1101 Ridge Road #208
Rockwall, TX 75087

Staff will also provide a copy of this petition by certified mail, return receipt requested, to the address for the registered agent for process on file with the Secretary of State:

Ken Dejanett
Route 2, Box 30-W
Rockwall, TX 75087

Staff will also provide a copy of this petition by certified mail, return receipt requested, to the address for the director of San Jacinto Utility on file with the Secretary of State:

William W Tenison
PO Box 2220
McKinney, TX 75070

¹⁴ APA §§ 2001.001-.902.

¹⁵ *Id.* at § 2001.054

Pursuant to 16 TAC § 22.183, Staff hereby notifies San Jacinto Utility that the factual allegations in this petition could be deemed admitted and the relief sought herein granted by default if San Jacinto Utility fails to request a hearing within 30 days after service of the Petition. The purpose of a hearing on the merits is to consider revocation of San Jacinto Utility's CCN No. 20606.

The factual allegations listed in Staff's Petition and Notice of Opportunity for a Hearing could be deemed admitted and the relief sought herein could be granted by default if you fail to timely request a hearing.

VI. REQUEST

Staff respectfully requests that the Commission grant Staff's request to revoke San Jacinto Utility's CCN No. 20606. In the event that San Jacinto Utility fails to request a hearing on the merits, Staff requests that the Commission issue a default final order, with no further notice to San Jacinto Utility, revoking CCN No. 20606.

Respectfully Submitted,



Joshua W. Walters
Attorney - Oversight and Enforcement Division
State Bar No. 24081198
(512) 936-7385
(512) 936-7208 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

CERTIFICATE OF SERVICE

I certify that on October 23, 2015, pursuant to 16 TAC § 22.183(b)(2), a copy of this document was sent certified mail, return receipt requested, to the last known address of San Jacinto Utility, Incorporated (San Jacinto Utility) in the Commission's records, to addresses used in the Texas Commission on Environmental Quality (TCEQ) proceedings, to the address for the registered agent for process on file with the Secretary of State, and to the address for the director of San Jacinto Utility on file with the Secretary of State:

San Jacinto Utility's owner's Last Known Address in Commission Records:

San Jacinto Utility Incorporated
5908 Stone Meadow Ln
Fort Worth, TX 76179

Address used in TCEQ Proceedings:

San Jacinto Utility Incorporated
1101 Ridge Road #208
Rockwall, TX 75087

Address for the registered agent for process on file with the Secretary of State:

Ken Dejarnett
Route 2, Box 30-W
Rockwall, TX 75087

Address for the director of San Jacinto Utility on file with the Secretary of State:

William W Tenison
PO Box 2220
McKinney, TX 75070



Joshua W. Walters
Attorney - Oversight and Enforcement Division
State Bar No. 24081198
(512) 936-7385
(512) 936-7208 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

Attachment 1

Certificate of Convenience and Necessity No. 20606

TEXAS WATER COMMISSION



CERTIFICATE OF CONVENIENCE AND NECESSITY

To Provide Sewer Service Under V.T.C.A., Water Code
and Texas Water Commission Substantive Rules

Certificate No. 20606

I. Certificate Holder:

Name: San Jacinto Utility, Inc.

Address: 1101 Ridge Road #208
Rockwall, Texas 75087

II. General Description and Location of Service Area:

The area covered by this certificate is generally located approximately 16 miles northeast of downtown Cleburne, Texas, and $\frac{1}{4}$ mile northeast of the intersection of Farm to Market Road 917 and Farm to Market Road 2738. The service area is generally bounded on the west by a tributary of Walnut Creek and on the south by Farm to Market Road 917 in Johnson County, Texas.

III. Certificate Maps:

The certificate holder is authorized to provide sewer service in the area identified on the Commission's official service area map, WRS-127, maintained in the offices of the Texas Water Commission, 1700 North Congress, Austin, Texas with all attendant privileges and obligations.

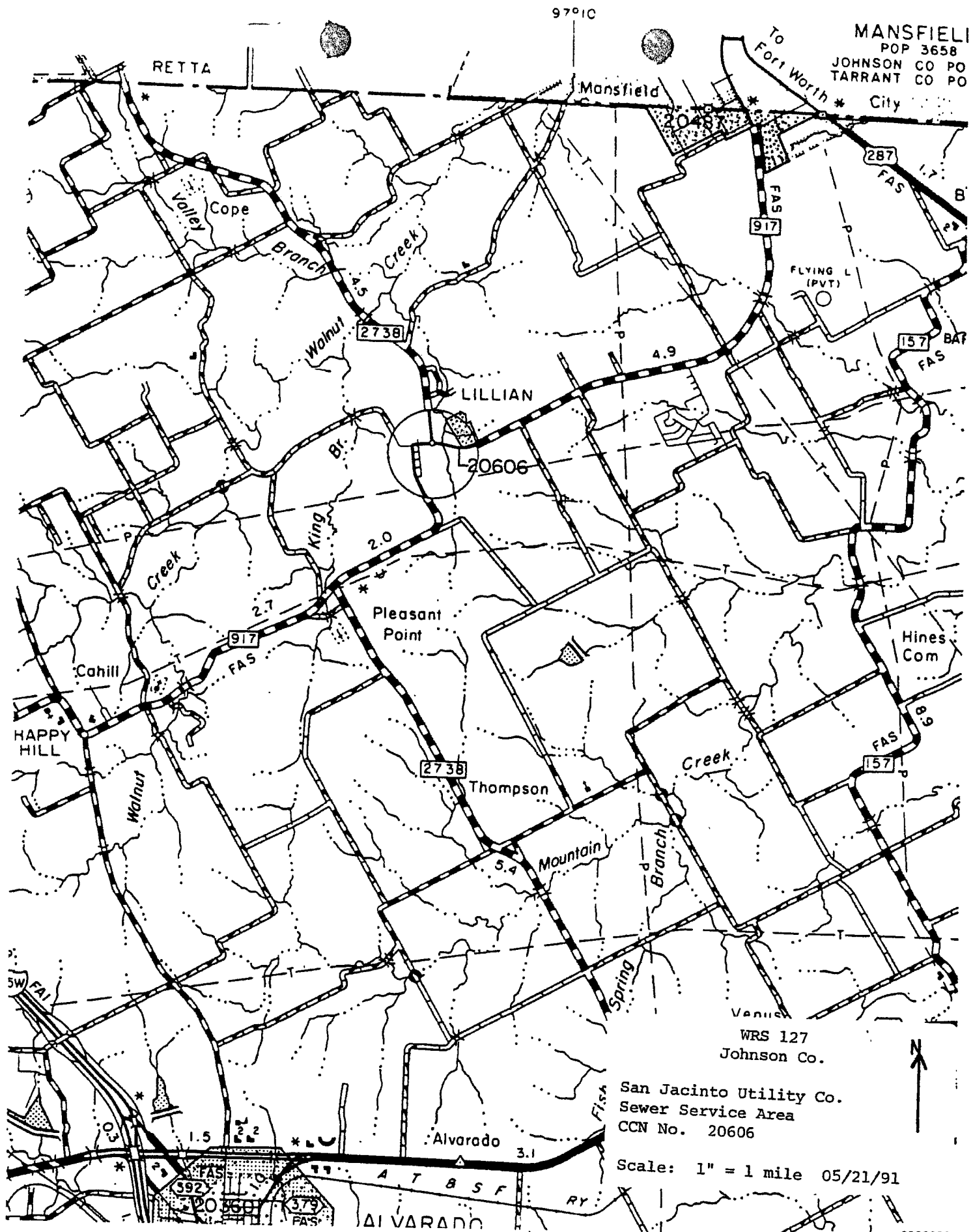
This certificate is issued under Application No. 8987-S and subject to the rules and orders of the Commission, the laws of the State of Texas, conditions contained herein and may be revoked for violations thereof. The certificate is valid until amended or revoked by the Commission.

Issued Date: AUG 28 1991

ATTEST: Maria A. Varguez John Haley
For the Commission

Attachment 2

Map of Certificate of Convenience and Necessity No. 20606



MANSFIELD
POP 3658
JOHNSON CO PO
TARRANT CO PO
City

San Jacinto Utility Co.
Sewer Service Area
CCN No. 20606

Scale: 1" = 1 mile 05/21/91

Attachment 2

Affidavit of Tasha Lopez

DOCKET NO. 45276

**PETITION TO REVOKE SAN JACINTO § PUBLIC UTILITY COMMISSION
UTILITY, INCORPORATED'S §
CERTIFICATE OF PUBLIC §
CONVENIENCE AND NECESSITY §
PURSUANT TO TEX. WATER CODE §
ANN. § 13.254 AND 16 TAC § 24.113 § OF TEXAS**

AFFIDAVIT OF TASHA LOPEZ

STATE OF TEXAS §
TRAVIS COUNTY §

BEFORE ME, the undersigned authority, on this day personally appeared, Tasha Lopez, and being by me duly sworn, upon oath declared that the statements and capacity acted in are true and correct.

“My name is Tasha Lopez. I am the legal assistant in the Oversight & Enforcement Division of the Public Utility Commission of Texas. I am over the age of twenty-one and I am competent to make this Affidavit. In accordance with 16 TAC § 22.183(b), I mailed, by certified mail, return receipt requested, a copy of Staff’s Petition to Revoke San Jacinto Utility, Incorporated’s Certificate of Public Convenience and Necessity and Notice of Opportunity for a Hearing (Petition and Notice of Opportunity for a Hearing) on October 23, 2015, to the last known address of San Jacinto Utility, Incorporated’s (San Jacinto) in the Commission’s records:

San Jacinto Utility Incorporated
5908 Stone Meadow Ln
Fort Worth, TX 76179

I also sent a copy of the Petition and Notice of Opportunity for a Hearing on October 23, 2015, by certified mail, return receipt requested, to the address used in TCEQ proceedings:

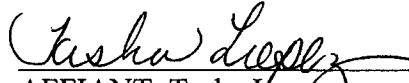
San Jacinto Utility Incorporated
1101 Ridge Road #208
Rockwall, TX 75087

I also sent a copy of the Petition and Notice of Opportunity for a Hearing on October 23, 2015, by certified mail, return receipt requested, to the address for the registered agent for process on file with the Secretary of State:

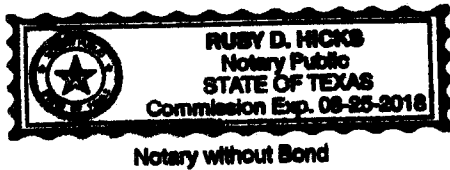
Ken Dejarnett
Route 2, Box 30-W
Rockwall, TX 75087

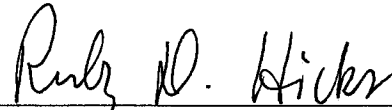
I also sent a copy of the Petition and Notice of Opportunity for a Hearing on October 23, 2015, by certified mail, return receipt requested, to the address for the director of San Jacinto on file with the Secretary of State:

William W. Tenison
PO Box 2220
McKinney, TX 75070


AFFIANT: Tasha Lopez

SWORN TO AND SUBSCRIBED BEFORE ME this 4th day of December 2015.




Notary Public for the State of Texas

Attachment 3

Receipts from the Certified Mail Label

Ship Request Form

Ship Request #: 011622



Sender

Name: Tasha Lopez
Account #: eRR
Phone: 512-936-7401
Email: tasha.lopez@puc.texas.gov
Company: CPA TPASS

Recipient

Attn To: San Jacinto Utility Incorporated
Company: San Jacinto Utility Incorporated
Address: 5908 Stone Meadow Lane

City: Fort Worth
State: TX
Zip: 76179
Country: US

eRR Track: 9171999991703062351751

Shipping Instructions

No 201510004

Items

Units	Description	Code	Origin	Unit Value	Total Value
0 00					

91 7199 9991 7030 6235 1751

[English](#)[Customer Service](#)[USPS Mobile](#)[Register / Sign In](#)

USPS Tracking®

[Customer Service ›](#)

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Tracking Number: 9171999991703062351751

Your item was returned to the sender on November 17, 2015 at 10:44 am in FORT WORTH, TX 76179 because it was not claimed by the addressee once the item reached its maximum hold time at the post office.

Product & Tracking Information

Postal Product:

First-Class Mail®

Features:

Certified Mail™

Return Receipt Electronic

DATE & TIMENovember 17, 2015 , 10:44
am**STATUS OF ITEM**Unclaimed/Max Hold Time
Expired**LOCATION**

FORT WORTH, TX 76179

Available Actions

[Text Updates](#)[Email Updates](#)

Your item was returned to the sender on November 17, 2015 at 10 44 am in FORT WORTH, TX 76179 because it was not claimed by the addressee once the item reached its maximum hold time at the post office

October 29, 2015 , 5 01 am	Arrived at USPS Destination Facility	FORT WORTH, TX 76106
October 28, 2015 , 1 44 pm	Notice Left (No Authorized Recipient Available)	FORT WORTH, TX 76179
October 28, 2015 , 8 00 am	Arrived at Unit	FORT WORTH, TX 76106
October 28, 2015 , 12 51 am	Departed USPS Destination Facility	FORT WORTH, TX 76161
October 27, 2015 , 11.03 am	Arrived at USPS Destination Facility	FORT WORTH, TX 76161
October 27, 2015 , 2 51 am	Departed USPS Facility	AUSTIN, TX 78710
October 26, 2015 , 9 39 pm	Arrived at USPS Origin Facility	AUSTIN, TX 78710
October 26, 2015 , 8 24 pm	Accepted at USPS Origin Sort Facility	AUSTIN, TX 78701
October 26, 2015	Pre-Shipment Info Sent to USPS	

Track Another Package

Tracking (or receipt) number

9171999991703062351751

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[FOIA](#)
[No FEAR Act EEO Data](#)

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Search or Enter a Tracking Number

Ship Request Form

Ship Request #: 011621

Sender

Name: Tasha Lopez
Account #: eRR
Phone: 512-936-7401
Email: tasha.lopez@puc.texas.gov
Company: CPA TPASS

eRR Track: 9171999991703062351744

Recipient

Attn To: San Jacinto Utility Incorporated
Company: San Jacinto Utility Incorporated
Address: 1101 Rodge Road
#208
City: Rockwall
State: TX
Zip: 75087
Country: US

Shipping Instructions

No 201510004

Items

Units	Description	Code	Origin	Unit Value	Total Value
0 00					

91 7199 9991 7030 6235 1744



Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13328
Austin, Texas 78711-3328 • 512 / 336-7000 • EOE/AAE



91 7199 9993 7030 6235 1744

OR CALL 1-800-875-5273
STATE OF TEXAS
FELONY FOR
PRIVATE USE



\$ 006.27⁰⁰

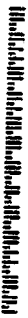
1154

XXXX

750872025-1X

10/31/15

RETURN TO SENDER
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



San Jacinto Utility Incorporated
1101 Ridge Road #208
Rockwall, Texas 75087

Ship Request Form

Ship Request #: 011620



Sender

Name: Tasha Lopez
Account #: eRR
Phone: 512-936-7401
Email: tasha.lopez@puc.texas.gov
Company: CPA TPASS

Recipient

Attn To: Ken Dejamett
Company: Ken Dejamett
Address: Route 2 Box 30W

City: Rockwall
State: TX
Zip: 75087
Country: US

eRR Track: 9171999991703062351737

Shipping Instructions

No 201510004

Items

Units	Description	Code	Origin	Unit Value	Total Value
0 00					

91 7199 9991 7030 6235 1737



Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13126
Austin, Texas 78711-3126 • 512 / 936-7000 • EOE/AE

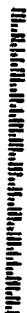
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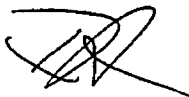
C.F. - 2001-05
STATE OF TEXAS
FIDELITY F.O.
PRIVATE USE



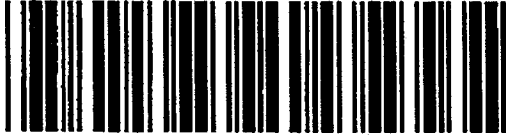
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NIXIE 750872025-1N 10/31/15
RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER




Ken Dejanett
Route 2 Box 30-W
Rockwall, Texas 75087

Ship Request Form

Ship Request #: 011618

Sender

Name: Tasha Lopez
Account #: eRR
Phone: 512-936-7401
Email: tasha.lopez@puc.texas.gov
Company: CPA TPASS

eRR Track: 9171999991703062351720

Recipient

Attn To: William Tenison
Company: William Tenison
Address: P O Box 2220

City: McKinney
State: TX
Zip: 75070
Country: US

Shipping Instructions

No 201510004

Items

Units	Description	Code	Origin	Unit Value	Total Value
0 00					

91 7199 9991 7030 6235 1720



Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326 • 512/936-7000 • EOE/AE



91 7279 9991 7030 6235 1720

OFFICIAL BUSINESS
STATE OF TEXAS
PENALTY FOR
PRIVATE USE



S 006.279

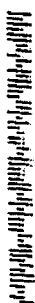
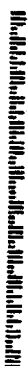
12/27

AMC

William W. Tension
PO Box 2220
McKinney Texas 75070

NIXIE 750702030-1N 11/01/15

RETURN TO SENDER
ATTENDED - NOT KNOWN
UNABLE TO FORWARD
RETURN TO SENDER



Attachment 4

Proposed Default Order

DOCKET NO. 45276

PETITION TO REVOKE SAN JACINTO	§	PUBLIC UTILITY COMMISSION
UTILITY, INCORPORATED'S	§	
CERTIFICATE OF PUBLIC	§	
CONVENIENCE AND NECESSITY	§	
PURSUANT TO TEX. WATER CODE	§	
ANN. § 13.254 AND 16 TAC § 24.113	§	OF TEXAS

PROPOSED DEFAULT ORDER

This Order addresses the petition of the Public Utility Commission of Texas (Commission) Staff to revoke the Certificate of Public Convenience and Necessity (CCN) of San Jacinto Utility, Incorporated's (San Jacinto Utility) regarding San Jacinto Utility's violations of the Texas Water Code and Commission rules (Petition). Commission Staff's Petition is granted and San Jacinto Utility's CCN No. 20606 is revoked. The Commission adopts the following findings of fact and conclusions of law:

I. Findings of Fact

1. San Jacinto Utility is a retail public utility granted Certificate of Convenience and Necessity (CCN) number 20606 by the Texas Commission on Environmental Quality (TCEQ) to provide sewer service on August 28, 1991.
2. The original owner of San Jacinto Utility passed away in 1997.
3. At that time, the utility was placed into a receivership and Mr. David Lucas was appointed as receiver.
4. On or before May 2008, Mr. Lucas left the state of Texas and abandoned the San Jacinto Utility. Mr. Lucas did not receive permission from the court to abandon the utility as receiver, nor did he arrange for another party to operate the utility.
5. The Office of the Attorney General determined that a new receiver could not be appointed because the utility had been under receivership for too long.
6. Efforts to appoint a temporary manager by the TCEQ failed because of the extremely poor condition of the wastewater treatment plant and the lack of a discharge permit for the wastewater treatment plant.

7. In June 2009, the Johnson County Public Works notified all property owners that the wastewater treatment plant needed to be shut down due to its extremely poor condition.
8. By June 2011, all former property owners served by San Jacinto Utility had each installed an onsite sewage facility and were disconnected from the San Jacinto Utility system.
9. After all former customers served by the San Jacinto Utility wastewater treatment plant were disconnected the wastewater treatment plant was dismantled and the utility ceased to operate.
10. On October 23, 2015, Staff filed the Petition and provided notice of opportunity for hearing seeking revocation of San Jacinto Utility's CCN No. 20606.
11. The Petition included the required disclosure in at least 12-point, bold-face type.
12. The Petition was sent by certified mail, return receipt requested, to the owner of San Jacinto Utility's last known address in the Commission's records, the address used in the TCEQ proceedings, the address for the registered agent for process on file with the Secretary of State, and the address for the director of San Jacinto on file with the Secretary of State.
13. More than 30 days have passed since service of the Petition.
14. San Jacinto Utility did not request a hearing on the merits.

II. Conclusions of Law

1. TWC § 13.242 provides that a "utility ... may not in any way render . . . sewer utility service directly or indirectly to the public without first having obtained from the utility commission a certificate that the present or future public convenience and necessity will require that installation, operation, or extension."
2. 16 TAC § 24.3(15) defines a CCN as "a permit issued by the commission which authorizes and obligates a retail public utility to furnish, make available, render, or extend continuous and adequate retail water or sewer service to a specified geographic area."
3. 16 TAC § 24.3(58) defines a retail public utility as "any person corporation, public utility, water supply or sewer service corporation, municipality, political subdivision or agency operating, maintaining, or controlling in this state facilities for providing potable water service or sewer service, or both for compensation."
4. TWC § 13.250 and 16 TAC § 24.114 require a retail public utility that possesses a CCN to provide "continuous and adequate service."

5. If the Commission finds that a retail public utility that possesses a CCN “has never provided, is no longer providing, is incapable of providing, or has failed to provide continuous and adequate service in the area, or part of the area, covered by the certificate” in violation of TWC § 13.250 and 16 TAC § 24.114, the Commission may revoke the CCN pursuant to TWC § 13.254 and 16 TAC § 24.113.
6. San Jacinto Utility failed to meet the performance requirements for a CCN holder in TWC § 13.250 and 16 TAC § 24.114.
7. San Jacinto Utility is incapable of providing continuous and adequate service in the area covered by CCN No. 20606.
8. Issuance of a default order against San Jacinto Utility is appropriate because San Jacinto Utility failed to request a hearing within 30 days of service of the notice of an opportunity for a hearing, as provided in 16 TAC § 22.183(a).
9. Pursuant to 16 TAC § 22.183, the requirements for disposition by default have been met in this proceeding.

III. Ordering Paragraphs

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

1. Commission Staff’s Petition is granted.
2. San Jacinto Utility’s CCN No. 20606 is revoked.
3. The Commission shall not be constrained in any manner from requiring additional action or penalties for violations.
4. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other request for general or specific relief, if not expressly granted herein, are denied.

SIGNED AT AUSTIN, TEXAS the _____ day of _____, 2015.

PUBLIC UTILITY COMMISSION OF TEXAS

DONNA L. NELSON, CHAIRMAN

KENNETH W. ANDERSON, JR., COMMISSIONER

BRANDY MARTY MARQUEZ, COMMISSIONER