

Control Number: 46225



Item Number: 5

Addendum StartPage: 0

DOCKET NO. 46225

RECEIVED

PETITION TO REVOKE
CERTIFICATES OF PUBLIC
CONVENIENCE AND NECESSITY
NOS. 12486 & 20735 PURSUANT TO
TEX. WATER CODE. § 13.254 AND
16 TEX. ADMIN. CODE § 24.113

§
§
§
§
§
§
§
§

PUBLIC UTILITY COMMISSION

2016 NOV 10 PM 12:55
PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

COMMISSION STAFF'S RESPONSE TO ORDER NO. 2

Order No. 2, issued on November 2, 2016, ordered Commission Staff to file a list of items to be admitted into evidence no later than November 10, 2016. Commission Staff has no items to be admitted into evidence.

Had this case gone to hearing, Commission Staff would have presented evidence regarding Bernard Timbers Water Supply Corporation's (Bernard Timbers WSC) inability to provide continuous and adequate water service within the territory of its CCNs, Nos. 12486 and 20735. Under Administrative Procedure Act, Tex. Gov't Code § 2001.051 and 16 Tex. Admin. Code § 22.183, factual allegations in the Petition and Notice of Opportunity for a Hearing may be deemed admitted if the party who does not have the burden of proof (in this case, Bernard Timbers WSC) failed to request a hearing within 30 days after service of notice. As such, Commission Staff has no intention of presenting any further evidence in support of its Motion for Issuance of a Default Order of Revocation.

Sincerely,



W. Patrick Dinnin
Attorney - Oversight and Enforcement Division
State Bar No. 24097603
(512) 936-7285
(512) 936-7208 (facsimile)
patrick.dinnin@puc.texas.gov

CERTIFICATE OF SERVICE

I certify that on November 10, 2016, pursuant to 16 Texas Admin. Code § 22.183(b)(2), a copy of this document was sent certified mail, return receipt requested, to the address Bernard Timbers WSC had on file with the TCEQ:

Bernard Timbers WSC
P. O. Box 755
East Bernard, TX 77435-0755

An additional copy of this document was sent by certified mail, return receipt requested, to the address for the president of Bernard Timbers on file with the TCEQ:

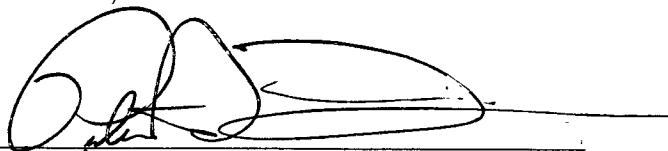
Weldon Ferrell
P. O. Box 755
East Bernard, TX 77435-0755

An additional copy of this document was sent by certified mail, return receipt requested, to the emergency contact address used in TCEQ records:

Edward Vacek
P. O. Box 639
East Bernard, TX 77435-0639

An additional copy of this document was sent by certified mail, return receipt requested, to the address for the registered agent for process on file with the Secretary of State:

Ed Vacek
P. O. Box 755
East Bernard, TX 77435



W. Patrick Dinnin
Attorney - Oversight and Enforcement Division
State Bar No. 24097603
(512) 936-7285
(512) 936-7208 (facsimile)
patrick.dinnin@puc.texas.gov