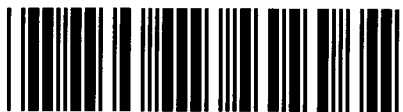




Control Number: 46316



Item Number: 5

Addendum StartPage: 0

**DOCKET NO. 46316**

**RECEIVED**

**PETITION TO REVOKE  
CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY  
NO. 12689 PURSUANT TO TEX.  
WATER CODE. § 13.254 AND 16  
TEX. ADMIN. CODE § 24.113**

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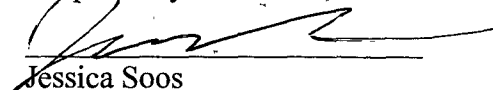
**PUBLIC UTILITY COMMISSION  
2016 NOV 1 11  
PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK**

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 2**

Order No. 2, issued on October 24, 2016, ordered Commission Staff to file a list of items to be admitted into evidence no later than November 1, 2016. Commission Staff has no items to be admitted into evidence.

Had this case gone to hearing, Commission Staff would have presented evidence regarding Dan Neal's inability to provide a continuous and adequate water service within the territory of his CCN, CCN No. 12689. 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, Dan Neal) 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.

Respectfully Submitted,



Jessica Soos

Attorney, Oversight and Enforcement Division  
State Bar No. 24093183  
(512) 936-7132 T  
(512) 936-7268 F  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

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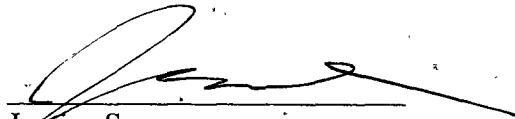
## CERTIFICATE OF SERVICE

I certify that on November 1, 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 Mr. Neal had on file with the TCEQ when he owned the system:

Dan Neal  
RR1 Box 1690  
Hemphill, TX 75948-9748

An additional copy of this document was sent by certified mail, return receipt requested, to the address the TCEQ believed Mr. Neal resided at in 2011:

Dan Neal  
415 W. Madison Avenue  
Iola, KS 66749-3123



Jessica Soos  
Attorney, Oversight and Enforcement Division  
State Bar No. 24093183  
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