



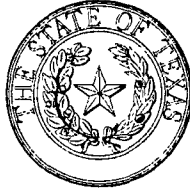
Control Number: 46627



Item Number: 15

Addendum StartPage: 0

# State Office of Administrative Hearings



RECEIVED

2017 MAR 27 PM 2:39

PUBLIC UTILITY COMMISSION  
FILING CLERK

Lesli G. Ginn  
Chief Administrative Law Judge

March 27, 2017

**TO:** Stephen Journey, Director  
Commission Advising and Docket Management  
William B. Travis State Office Building  
1701 N. Congress, 7th Floor  
Austin, Texas 78701

Courier Pick-up

**RE:** SOAH Docket No. 473-17-2068.WS.  
PUC Docket No. 46627

*Complaint of Cherelle Roberts Against Hornsby Bend Utility Company*

Enclosed is the Proposal for Decision (PFD) in the above-referenced case. By copy of this letter, the parties to this proceeding are being served with the PFD.

Please place this case on an open meeting agenda for the Commissioners' consideration. There is no deadline in this case. Please notify me and the parties of the open meeting date, as well as the deadlines for filing exceptions to the PFD, replies to the exceptions, and requests for oral argument.

Sincerely,

Wendy K. L. Harvel  
Administrative Law Judge

Enclosure

xc: All Parties of Record

15

**SOAH DOCKET NO. 473-17-2068.WS  
PUC DOCKET NO. 46627**

<b>COMPLAINT OF CHERELLE</b>	§	<b>BEFORE THE STATE OFFICE</b>
<b>ROBERTS AGAINST HORNSBY BEND</b>	§	
<b>UTILITY COMPANY</b>	§	<b>OF</b>
	§	
	§	<b>ADMINISTRATIVE HEARINGS</b>

**PROPOSAL FOR DECISION**

On December 1, 2016, Cherelle Roberts (Complainant) filed a complaint against Hornsby Bend Utility Company (Hornsby Bend) pursuant to 16 Texas Administrative Code § 22.242.<sup>1</sup> Complainant alleged that Hornsby Bend improperly charged her a disconnect fee of \$100 and unspecified late charges.

**I. JURISDICTION AND PROCEDURAL HISTORY**

Jurisdiction is addressed in the findings of fact and conclusions of law.

On January 10, 2017, the Public Utility Commission of Texas (Commission) referred this case to the State Office of Administrative Hearings (SOAH). A prehearing conference was held on February 21, 2017. Staff and a representative for Hornsby Bend appeared. Complainant did not appear. At the prehearing conference, Hornsby Bend moved to dismiss the case for failure to prosecute. Commission Staff did not oppose the motion. On February 22, 2017, SOAH Order No. 2 was issued, explaining that Complainant had until March 20, 2017, to respond to the motion to dismiss. On February 22, 2017, Hornsby Bend sent Complainant a letter by regular and priority mail, informing her of the motion to dismiss, and notifying her she had 20 days to respond to the motion. Complainant did not file a response. Therefore, the case is dismissed for failure to prosecute.

---

<sup>1</sup> Hornsby Bend is a dba for SWWC Utilities, Inc.

## II. FINDINGS OF FACT

1. On December 1, 2016, Cherelle Roberts (Complainant) filed a formal complaint against SWWC Utilities Inc., d/b/a Hornsby Bend Utility Company (Hornsby Bend) disputing a \$100 disconnect fee and unspecified late charges.
2. Hornsby Bend is a retail public utility.
3. On January 10, 2017, 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 February 9, 2017, the Commission issued a preliminary order identifying the issues to be addressed in this proceeding.
5. February 21, 2017, at the prehearing conference, Hornsby Bend made an oral motion to dismiss the case for failure to prosecute. Staff did not oppose the motion.
6. On February 22, 2017, SOAH Order No. 2 was issued, indicating that Complainant had 20 days to respond to the motion to dismiss.
7. SOAH Order No. 2 was mailed to Complainant at her address. The mail was not returned.
8. Hornsby Bend sent Complainant a letter by regular and priority mail, informing her of the motion to dismiss, and notifying her she had 20 days to respond to the motion.
9. Complainant has not responded to the motion to dismiss.
10. Over 20 days have elapsed since SOAH Order No. 2 was delivered to Complainant.

## III. 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. The complaint is dismissed under 16 Texas Administrative Code § 22.181(d)(6) for Complainant's failure to prosecute her complaint.

#### IV. PROPOSED 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 Hornsby Bend 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 March 27, 2017.

  
WENDY K. L. HARVEL  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

**AUSTIN OFFICE**  
300 West 15th Street Suite 504  
Austin, Texas 78701  
Phone: (512) 475-4993  
Fax: (512) 322-2061

**SERVICE LIST**

**AGENCY:** Public Utility Commission of Texas (PUC)  
**STYLE/CASE:** CHERELLE ROBERTS AGAINST HORNSBY BEND UTILITY COMPANY  
**SOAH DOCKET NUMBER:** 473-17-2068.WS  
**REFERRING AGENCY CASE:** 46627

---

**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE**  
**ALJ WENDY KL. HARVEL**

---

**REPRESENTATIVE / ADDRESS**

**PARTIES**

WILLIAM "CODY" FAULK, III  
LLOYD GOSSELINK ROCHELLE & TOWNSEND, P.C.  
816 CONGRESS AVENUE, SUITE 1900  
AUSTIN, TX 78701-2478  
(512) 322-5830 (PH)  
(512) 472-0532 (FAX)  
ltownsend@lglawfirm.com

HORNSBY BEND UTILITY CO.

---

TJ HARRIS  
STAFF ATTORNEY  
PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION  
1701 N. CONGRESS AVE. PO BOX 13326  
AUSTIN, TX 78711-3326  
(512) 936-7216 (PH)  
(512) 936-7268 (FAX)  
TJ.Harris@puc.texas.gov

PUBLIC UTILITY COMMISSION OF TEXAS

---

CHERELLE ROBERTS  
3108 BARKSDALE  
AUSTIN, TX 78725  
(512) 586-1815 (PH)

CHERELLE ROBERTS

---