

Control Number: 48472



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DOCKET NO. 48472

**PETITION TO REVOKE LANCEWOOD §
WATER SUPPLY CORPORATION'S §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY PURSUANT TO §
TEXAS WATER CODE § 13.254 AND §
16 TEXAS ADMINISTRATIVE CODE §
§ 24.245 §**

PUBLIC UTILITY COMMISSION

OF TEXAS

FILED
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PUBLIC UTILITY COMMISSION

DEFAULT ORDER

This Default Order addresses the petition of Commission Staff to revoke the water certificate of convenience and necessity (CCN) of Lancewood Water Supply Corporation for violations of the Texas Water Code and Commission rules. The Commission grants the petition, by default, and revokes Lancewood WSC's CCN number 10352.

I. Findings of Fact

The Commission makes the following findings of fact.

CCN Holder

1. Lancewood WSC is registered with the Texas secretary of state as a domestic nonprofit corporation under file number 22219601.
2. Lancewood WSC is authorized to provide water service under CCN number 10352 in Angelina County.

Commission Staff's Petition

3. On June 18, 2018, Commission Staff filed its petition in this proceeding, in which it seeks to revoke the CCN of Lancewood WSC for failure to provide continuous and adequate water service.
4. The petition alleges that Lancewood WSC is no longer providing and is incapable of providing continuous and adequate water service and, therefore, its CCN should be revoked under Texas Water Code (TWC) § 13.254(a)(1) and 16 Texas Administrative Code (TAC) § 24.245(i)(1)(A) (*formerly* § 24.113(i)(1)(A)).
5. Lancewood WSC's CCN was issued in 1979.
6. Lancewood WSC is now listed as DEAD BY ME on the Texas secretary of state's website.

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7. The Commission's records indicate that Lancewood WSC is no longer in business and the facilities it used to provide water service are inactive.
8. Lancewood WSC is no longer providing and is incapable of providing continuous and adequate water service.

Notice

9. The Commission's records list Lancewood WSC's address as: PO Box 3001, Hudson, Texas 75901.
10. On June 18, 2018, Commission Staff sent copies of the petition, by certified mail, return receipt requested, to: (a) the address of Lancewood WSC as shown in the Commission's records; and (b) the address for Lancewood WSC's registered agent for process, as shown in the records of the Texas secretary of state.
11. The petition notified Lancewood WSC that it was entitled to request a hearing within 30 days after the filing of the petition, and included the following admonition, in at least 12-point, bold-face type:

The factual allegations listed in Commission Staff's Amended 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.

Evidentiary Record

12. In Order No. 3 issued on August 14, 2019, the administrative law judge admitted, as evidence in the record of this proceeding, the affidavit of Tasha Lopez and the documents that are attached to Ms. Lopez's affidavit, marked as Attachment Two to Commission Staff's response to Order No. 1 and motion for entry of a default order filed on August 17, 2018.

The Motion for Default

13. On August 17, 2018, Commission Staff filed a motion for entry of a default order.
14. The motion for default was served upon Lancewood WSC in the same way that the petition was served.

Grounds for Default

15. More than 30 days have passed since service of the petition to Lancewood WSC.

16. Lancewood WSC did not request a hearing on the merits, and did not respond to the petition.
17. More than 30 days have passed since service of the motion for default.
18. Lancewood WSC did not respond to the motion for default.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over this matter under TWC § 13.254.
2. Lancewood WSC is a retail public utility under 16 TAC § 24.3(59).
3. As the holder of CCN number 10352, Lancewood WSC is obligated to serve every consumer within its certified area and render continuous and adequate service within the area under TWC § 13.250 and 16 TAC § 24.247.
4. Because Lancewood WSC is no longer providing and is incapable of providing continuous and adequate service in the area covered by its CCN in violation of TWC § 13.250 and 16 TAC § 24.247, the Commission is entitled to revoke the CCN under TWC § 13.254(a)(1) and 16 TAC § 24.245(i)(1)(A).
5. Adequate notice was provided to Lancewood WSC in compliance with 16 TAC §§ 22.54 and 22.183, and Texas Government Code § 2001.054.
6. Lancewood WSC's failure to request a hearing within 30 days of the notice of an opportunity for a hearing qualifies this proceeding for disposition by default under 16 TAC § 22.183.

III. Ordering Paragraphs

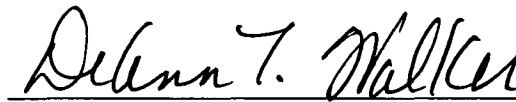
In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission deems the allegations in Commission Staff's petition as true.
2. The Commission takes official notice of its records that contain the address of Lancewood WSC.
3. The motion for default is granted and Lancewood WSC's CCN number 10352 is revoked.

4. The Commission directs Commission Staff to update its records accordingly.
5. The Commission is not constrained in any manner from requiring additional action or penalties for violations that are not raised here.
6. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 24th day of August 2019.

PUBLIC UTILITY COMMISSION OF TEXAS



DEANN T. WALKER, CHAIRMAN



ARTHUR C. D'ANDREA, COMMISSIONER



SHELLY BOTKIN, COMMISSIONER