



Control Number: 48754



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# OPEN MEETING COVER SHEET

## COMMISSIONER MEMORANDUM

**MEETING DATE:** August 8, 2019

**DATE DELIVERED:** August 7, 2019

**AGENDA ITEM NO.:** 14

**CAPTION:** **Docket No. 48754** - Petition to Revoke  
Hearthstone Colony Water Supply  
Corporation's Certificate of Convenience and  
Necessity Pursuant to Texas Water Code  
§ 13.254 and 16 Texas Administrative Code  
§ 24.245

**DESCRIPTION:** Memorandum by Chairman Walker

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**Arthur C. D'Andrea**  
Commissioner

**Shelly Botkin**  
Commissioner

**John Paul Urban**  
Executive Director




**Greg Abbott**  
Governor

## *Public Utility Commission of Texas*

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TO: Chairman DeAnn T. Walker  
Commissioner Arthur C. D'Andrea  
Commissioner Shelly Botkin

All Parties of Record (*via electronic transmission*)

FROM: Mark Hovenkamp   
Commission Advising

RE: Docket No. 48754; *Petition to Revoke Hearthstone Colony Water Supply Corporation's Certificate of Convenience and Necessity Under Texas Water Code § 13.254 and Texas Administrative Code § 24.245*, August 8, 2019 Open Meeting, Item No. 14.

DATE: August 7, 2019

Please find enclosed a memorandum by Chairman Walker regarding the above-referenced docket. No other commissioner will file a memorandum in this docket.

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# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Commissioner Arthur C. D'Andrea  
Commissioner Shelly Botkin

**FROM:** Chairman DeAnn T. Walker *DTW*

**DATE:** August 7, 2019

**RE:** Open Meeting of August 8, 2019 – Agenda Item No. 14  
Docket No. 48754 – *Petition to Revoke Hearthstone Colony Water Supply Corporation's Certificate of Convenience and Necessity Under Texas Water Code § 13.254 and 16 Texas Administrative Code § 24.245*

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I recommend that the Commission adopt the proposed default order in this proceeding with the changes described below.

Finding of fact 18 should be deleted because it is duplicitious of finding of fact 8 and is not a proper finding of fact.

~~18. Commission Staff proved, by default, that Hearthstone Colony WSC is no longer providing and is incapable of providing continuous and adequate sewer service in its certificated area.~~

Conclusion of law 6 should be deleted because it duplicates conclusion of law 7, which should be renumbered.

~~6. Hearthstone Colony 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.~~

Both of the footnotes in the order should be deleted, and two new ordering paragraphs should be added.

xx. The Commission deems the allegations in Commission Staff's petition as true and admits those facts into evidence.

xx. The Commission takes official notice of its records that contain the address of Hearthstone Colony WSC.

I look forward to discussing this matter with you at the open meeting.