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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 §

PUBLIC UTILITY COMMISSION

OF TEXAS

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PUBLIC UTILITY COMMISSION  
CLERK

**DEFAULT ORDER**

This Default Order addresses the petition of Commission Staff to revoke the sewer certificate of convenience and necessity (CCN) of Hearthstone Colony Water Supply Corporation for violations of the Texas Water Code and Commission rules. The Commission grants the petition, by default, and revokes Hearthstone Colony WSC's CCN number 20588.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**CCN Holder**

1. Hearthstone Colony WSC is registered with the Texas secretary of state as a domestic for-profit corporation under file number 61150600.
2. Hearthstone Colony WSC is authorized to provide sewer service under CCN number 20588 in Harris County.

**Commission Staff's Petition**

3. On October 10, 2018, Commission Staff filed its petition in this proceeding, in which it seeks to revoke the CCN of Hearthstone Colony WSC for failure to provide continuous and adequate sewer service.
4. The petition alleges that Hearthstone Colony WSC is no longer providing and is incapable of providing continuous and adequate sewer 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. Hearthstone Colony WSC's CCN was issued on April 21, 1983.

6. Hearthstone Colony WSC's status with the Texas secretary of state is listed as inactive.
7. The Commission's records indicate that Hearthstone Colony WSC is no longer in business and the facilities it used to provide sewer service are inactive.
8. Hearthstone Colony WSC is no longer providing and is incapable of providing continuous and adequate sewer service.

**Notice**

9. The Commission's records list Hearthstone Colony WSC's address as 5851 San Felipe, Houston, Texas 77057.
10. On October 10, 2018, Commission Staff sent copies of the petition, by certified mail, return receipt requested, to: (a) the address of Hearthstone Colony WSC as shown in the Commission's records; and (b) the address for Hearthstone Colony WSC's registered agent for process, as shown in the records of the Texas secretary of state.
11. The petition notified Hearthstone Colony 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.**

**The Motion for Default**

12. On January 10, 2019, Commission Staff filed a motion for entry of a default order.
13. The motion for default was served upon Hearthstone Colony WSC in the same way that the petition was served.

**Grounds for Default**

14. More than 30 days have passed since service of the petition to Hearthstone Colony WSC.
15. Hearthstone Colony WSC did not request a hearing on the merits, and did not respond to the petition.
16. More than 30 days have passed since service of the motion for default.
17. Hearthstone Colony 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. Hearthstone Colony WSC is a retail public utility under 16 TAC § 24.3(59).
3. As the holder of CCN number 20588, Hearthstone Colony 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 Hearthstone Colony 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 Hearthstone Colony WSC in compliance with 16 TAC §§ 22.54 and 22.183, and Texas Government Code § 2001.054.
6. The requirements for disposition by default in 16 TAC § 22.183 the have been met in this proceeding.

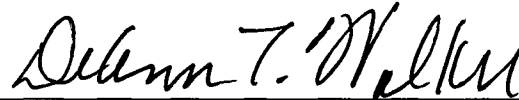
## III. Ordering Paragraphs

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 and admits those facts into evidence.
2. The Commission takes official notice of its records that contain the address of Hearthstone Colony WSC.
3. The motion for default is granted and Hearthstone Colony WSC's CCN number 20588 is revoked.
4. The Commission is not constrained in any manner from requiring additional action or penalties for violations that are not raised here.
5. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 14<sup>th</sup> day of August 2019.

PUBLIC UTILITY COMMISSION OF TEXAS



DEANN T. WALKER, CHAIRMAN



ARTHUR C. D'ANDREA, COMMISSIONER



SHELLY BOTKIN, COMMISSIONER

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