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**SOAH DOCKET NO. 473-20-3121.WS
PUC DOCKET NO. 49370**

**COMPLAINT OF CASSANDRA DENIS § BEFORE THE STATE OFFICE
HARRIS AGAINST §
THE LANDINGS AT WILLOWBROOK § OF
AND §
REALPAGE UTILITY MANAGEMENT § ADMINISTRATIVE HEARINGS**

**SOAH ORDER NO. 2
MOTION TO DISMISS**

In accordance with 16 Texas Administrative Code (TAC) § 22.181(a), (d), and (e), the undersigned Administrative Law Judge (ALJ) moves to dismiss this case with prejudice. In accordance with 16 TAC § 22.181(e)(2), the reasons for dismissal are failure to prosecute and failure to state a claim upon which relief can be granted.¹ The material facts supporting this motion are:

1. On March 25, 2019, Cassandra Denis Harris (Complainant) filed a complaint against The Landings at Willowbrook and RealPage Utility Management (RealPage) at the Public Utility Commission of Texas (Commission).
2. On July 15, 2019, Commission Order No. 3 required Complainant and RealPage to contact Commission Staff (Staff) to schedule a settlement conference. Commission Order No. 3 also directed that Staff was to file an agreed settlement or request a referral to the State Office of Administrative Hearings (SOAH), or Complainant was to withdraw her complaint by October 1, 2019.
3. On September 27, 2019, Staff filed a request for referral to SOAH stating that it had not been contacted by either Complainant or RealPage to schedule a settlement conference.
4. As of October 1, 2019, Complainant had not filed a notice of withdrawal of her complaint.
5. Prior to and after October 1, 2019, RealPage responded to data requests filed by Staff.
6. On March 20, 2020, the Commission referred this case to SOAH and directed Complainant and RealPage to file proposed lists of issues by March 26, 2020.
7. On March 26, 2020, RealPage filed a proposed list of issues. Complainant did not file a proposed list of issues as required by the referring order.


¹ 16 TAC § 22.181(d)(6) and (8).

8. On April 3, 2020, SOAH Order No. 1 established a prehearing conference to be convened telephonically on April 8, 2020.
9. Staff and RealPage appeared at the prehearing conference; Complainant did not appear.

Based on the foregoing, good cause exists to issue this motion to dismiss this case.

In accordance with 16 TAC § 22.181(e)(3), **Complainant has 20 days from the date of receipt to respond to this motion.** If Complainant does not respond or withdraw her complaint within 20 days, the undersigned ALJ will prepare a Proposal of Decision recommending that the Commission dismiss this case in accordance with 16 TAC § 22.181(f)(2).

SIGNED April 13, 2020.



STEVEN H. NEINAST
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS