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DOCKET NO. 49557

**COMPLAINT OF AMEENAH
MUHAMMAD AGAINST FORTY200
APARTMENT HOMES**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 6
FINAL RECOMMENDATION**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Response to Order No. 2, Statement of Position, and would show the following:

I. BACKGROUND

On May 21, 2019, Ameenah Muhammad (Complainant) filed a complaint against Forty200 Apartment Homes (Forty200) regarding charges for water services.

On October 23, 2019, the Administrative Law Judge (ALJ) issued Order No. 6, entitled "Requiring Additional Information". Order No. 6 established that the Complainant was required to file documentation of the presentation of the complaint to the FORTY200 Apartment Homes on or before September 30, 2019 and acknowledged that no further filings from the Complainant have been made in this docket. Order No. 6 informed the Complainant that, as an option, she may withdraw her complaint. Order No. 6 also required Commission Staff to file a final recommendation no later than November 20, 2019, should the Complainant fail to respond. The Complainant has not responded, nor made any additional filings in this docket as of the date of this filing. This pleading is therefore timely filed.

II. COMPLIANCE WITH 16 TAC § 22.242

The Complainant has complied with the informal resolution requirements under 16 TAC § 22.242. The formal complaint references informal complaint #CP2018120702. Staff reviewed Consumer Protection Division (CPD) records and confirmed that informal complaint # CP2018120702 matches the parties and subject matter of this formal complaint. Pursuant to 16 TAC § 24.153(b)(3), the CPD informal complaint file was closed on January 29, 2019, because responses were not received by the due date of January 28, 2019. Staff therefore recommends that the Complainant be found to have complied with the informal resolution requirements under 16 TAC § 22.242.

III. STAFF'S MOTION TO DISMISS

Staff respectfully requests that this docket be dismissed. On August 21, 2019, Staff issued Requests for Information (RFIs) to the Complainant. As of the date of this filing, the responses, due September 10, 2019, have not yet been submitted by the Complainant. Staff requires information contained in those RFI responses in order to draft a complete statement of position in this matter. Order No. 6 established a November 6, 2019, deadline for the Complainant to either file the requested information or withdraw her complaint. Also, as of the date of this filing, the Complainant has not filed the requested information or a withdrawal of her complaint. Staff has made efforts to contact the Complainant and to urge upon the Complainant the necessity of responding to Staff's First RFI. Despite these efforts, the Complainant has not yet responded to Staff's First RFI. Staff would note that the lack of responses from the Complainant were also an issue at the informal complaint level and were the reason the informal complaint was closed. Staff therefore recommends that the docket be dismissed without prejudice for failure to prosecute pursuant to 16 Tex. Admin. Code § 22.181(d)(6).

IV. CONCLUSION

Staff respectfully requests the entry of an order consistent with the above recommendation.


Dated: November 20, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on November 20, 2019 in accordance with 16 TAC § 22.74.



John Harrison