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DOCKET NO. 49557

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

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

2019 DEC 12 PM 4:01
FILED
CLERK OF COURT

PROPOSAL FOR DECISION

This Proposal for Decision (PFD) grants the motion to dismiss filed in this matter by the Commission Staff on November 20, 2019. For the reasons set forth herein, the PFD recommends that the Commission dismiss the complaint of Ameenah Muhammad for failure to prosecute, under 16 Texas Administrative Code (TAC) § 22.181(d)(6). The administrative law judge (ALJ) recommends that the dismissal be without prejudice.

I. BACKGROUND

On May 21, 2019, Ms. Muhammad filed the complaint at issue in this docket. Ms. Muhammad complained, without further explanation or detail, that she was “consistently receiving high water bills” from her apartment landlord, Forty200 Apartment Homes, and asked “what can be done further” about those high bills.

As detailed in the proposed findings of fact and conclusions of law, the ALJ concludes that, under 16 TAC § 22.181(d)(6), and Ms. Muhammad’s complaint should be dismissed due to her failure to prosecute the case.

II. FINDINGS OF FACT

The ALJ adopts the following findings of fact.

1. On May 21, 2019, Ms. Muhammad filed the complaint at issue in this docket.
2. Ms. Muhammad complained that her apartment landlord, Forty200 Apartment Homes, was consistently charging her high water bills.
3. On August 12, 2019, Forty200 provided a detailed response to the complaint, denying that it had improperly billed Ms. Muhammad for water service.
4. On August 21, 2019, Commission Staff served a set of requests for information (RFIs) on Ms. Muhammad.

5. Ms. Muhammad did not respond to the RFIs within 20 days as required by 16 TAC § 22.144(c).
6. In Order No. 5 filed on September 17, 2019, the ALJ ordered Ms. Muhamad to answer the RFIs by September 30, 2019.
7. Ms. Muhammad filed nothing in response to Order No. 5.
8. In Order No. 6 filed on October 23, 2019, the ALJ ordered Ms. Muhamad to, by November 6, 2019, either answer the RFIs or move to withdraw her complaint.
9. Ms. Muhammad filed nothing in response to Order No. 6.
10. On November 20, 2019, Commission Staff filed a motion to dismiss due to the failure of Ms. Muhammad to prosecute her complaint.
11. Ms. Muhammad did not respond to the motion to dismiss.
12. Ms. Muhammad has filed nothing in this docket since filing her complaint on May 21, 2019.
13. No hearing was held in this matter, and none is necessary, because the facts are established as a matter of law by the administrative record, of which the ALJ takes official notice.

III. CONCLUSIONS OF LAW

The ALJ adopts the following conclusions of law.

1. The Commission has jurisdiction over this matter under Texas Water Code § 13.041.
2. The ALJ may recommend to the Commission that it dismiss a proceeding with or without prejudice for, among other reasons, “failure to prosecute.” 16 TAC § 22.181(d)(6).
3. The ALJ must prepare a PFD when recommending dismissal of a case. The Commission must then consider the PFD as soon as is practicable in accordance with 16 TAC § 22.181(f)(2).
4. Commission Staff proved that dismissal is warranted for “failure to prosecute” under 16 TAC § 22.181(d)(6).

IV. PROPOSED ORDERING PROVISIONS

In light of the above findings of fact and conclusions of law, the ALJ proposes the following ordering paragraphs.

1. The complaint is dismissed, without prejudice.
2. All other motions, requests for entry of specific findings of fact, conclusions of law, and ordering paragraphs, and any other requests for general or specific relief, if not expressly granted herein, are denied.

Signed at Austin, Texas the 18th day of December 2019.

PUBLIC UTILITY COMMISSION OF TEXAS


HUNTER BURKHALTER
ADMINISTRATIVE LAW JUDGE