



Control Number: 49557



Item Number: 20

Addendum StartPage: 0

RECEIVED  
2020 FEB 13 PM 1:19  
PUBLIC UTILITY COMMISSION  
FILING CLERK

# OPEN MEETING COVER SHEET

## COMMISSIONER MEMORANDUM

**MEETING DATE:** February 14, 2020

**DATE DELIVERED:** February 13, 2020

**AGENDA ITEM NO.:** 4

**CAPTION:** Docket No. 49557 – Complaint of Ameenah  
Muhammad Against Forty200 Apartment  
Homes

**DESCRIPTION:** Chairman Walker memo

Distribution List:

Commissioners' Offices (6)  
Journey, Stephen  
Urban, John Paul  
Corona, Connie  
Tom Hunter (5)  
Rebecca Zerwas  
Commission Advising (9)  
Docket Management (9)  
Central Records (Open Meeting Notebook)

**DeAnn T. Walker**  
Chairman

**Arthur C. D'Andrea**  
Commissioner

**Shelly Botkin**  
Commissioner

**John Paul Urban**  
Executive Director



**Greg Abbott**  
Governor

## ***Public Utility Commission of Texas***

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

All Parties of Record (*via electronic transmission*)

FROM: Austin Spraez  
Commission Advising

A handwritten signature, likely of Austin Spraez, consisting of stylized initials.

RE: *Complaint of Ameenah Muhammad against Forty200 Apartment Homes*, Docket  
No. 49557, Commissioner Memo, February 14, 2020 Open Meeting, Item No. 4.

DATE: February 13, 2020

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

W Office 365

q:\cadm\memos\commissioners\commissioner memo cover memos\49557 dtw cover memo.docx



Printed on recycled paper

An Equal Opportunity Employer

1701 N. Congress Avenue PO Box 13326 Austin, TX 78711 512/936-7000 Fax: 512/936-7003 website: [www.puc.texas.gov](http://www.puc.texas.gov)

00000002

# *Public Utility Commission of Texas*

---

## **Memorandum**

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

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

**DATE:** February 13, 2020

**RE:** Open Meeting of February 14, 2020 – Agenda Item No. 4  
Docket No. 49557 – *Complaint of Ameenah Muhammad against Forty200 Apartment Homes*

---

I recommend that the Commission make the following changes to the order in this proceeding.

Findings of fact 1, 3, 10, and 12 should be modified for clarity.

1. On May 21, 2019, Ms. Muhammad filed the formal complaint at issue in this docket.
3. On August 12, 2019, Forty200 Apartment Homes provided a detailed response to the complaint, denying that it had improperly billed Ms. Muhammad for water service.
10. On November 20, 2019, Commission Staff filed a motion to dismiss Ms. Muhammad's complaint under 16 TAC § 22.181(d)(6) due to ~~the her~~ failure of ~~Ms. Muhammad~~ to prosecute ~~her~~ the formal complaint.
12. Ms. Muhammad has filed nothing in this docket since filing her formal complaint on May 21, 2019.

A new finding of fact should be included for completeness.

14. On December 18, 2019, the ALJ filed a PFD recommending that the formal complaint be dismissed without prejudice for failure to prosecute under 16 TAC § 22.181(d)(6).

Conclusion of law 4 should be modified in the format of an appropriate conclusion of law.

4. ~~Commission Staff proved that dismissal is warranted for "failure to prosecute" under 16 TAC § 22.181(d)(6).~~ This proceeding should be dismissed without prejudice due to Ms. Muhammad's failure to prosecute the complaint under 16 TAC § 22.181(d)(6).

Additionally, I propose delegating to the Office of Policy and Docket Management staff the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

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