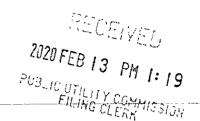


Control Number: 49557



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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

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DeAnn T. Walker
Chairman

Arthur C. D'Andrea Commissioner

Shelly Botkin Commissioner

John Paul Urban
Executive Director



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 Spraetz

Commission Advising



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.

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Public Utility Commission of Texas

Memorandum

TO: Commissioner Arthur C. D'Andrea

Commissioner Shelly Botkin

FROM: Chairman DeAnn T. Walker

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 <u>formal</u> complaint at issue in this docket.
- 3. On August 12, 2019, Forty200 <u>Apartment Homes</u> 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 herthe formal complaint.
- 12. Ms. Muhammad has filed nothing in this docket since filing her <u>formal</u> 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.