



Control Number: 49557



Item Number: 21

Addendum StartPage: 0

COMPLAINT OF AMEENAH
MUHAMMAD AGAINST FORTY200
APARTMENT HOMES

§
§
§

PUBLIC UTILITY COMMISSION
OF TEXAS

2020 FEB 14 PM 3:49
PUBLIC UTILITY COMMISSION
FILING CLERK

ORDER

This Order addresses the formal complaint of Ameenah Muhammad against Forty200 Apartment Homes. On May 21, 2019, Ms. Muhammad filed the formal complaint asserting that she was consistently receiving high water bills from her apartment landlord, Forty200 Apartment Homes. After filing her formal complaint, Ms. Muhammad did not respond to Commission Staff's request for information (RFI), Commission orders, or Commission Staff's motion to dismiss for failure to prosecute. The administrative law judge (ALJ) filed a proposal for decision recommending dismissal of Ms. Muhammad's complaint, without prejudice, under 16 Texas Administrative Code (TAC) § 22.181(d)(6) due to Ms. Muhammad's failure to prosecute.

The Commission adopts the proposal for decision, as provided in this Order, with minor modifications that do not affect the substance of the Order. The Commission modifies findings of fact 1, 3, 10, and 12 for clarity. The Commission adds finding of fact 13 for completeness. The Commission modifies conclusion of law 4 to be in the format of an appropriate conclusion of law. The Commission makes non-substantive changes for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

I. Findings of Fact

The Commission adopts the following findings of fact.

1. On May 21, 2019, Ms. Muhammad filed the formal 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 Apartment Homes 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 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. Muhammad 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. Muhammad to either answer the RFIs or move to withdraw her complaint by November 6, 2019.
9. Ms. Muhammad filed nothing in response to Order No. 6.
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 her failure to prosecute the formal complaint.
11. Ms. Muhammad did not respond to the motion to dismiss.
12. Ms. Muhammad has filed nothing in this docket since filing her formal 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.
14. On December 18, 2019, the ALJ filed a proposal for decision recommending that the formal complaint be dismissed without prejudice for failure to prosecute under 16 TAC § 22.181(d)(6).

II. Conclusions of Law

The Commission 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 under 16 TAC § 22.181(d)(6).
3. The ALJ must prepare a proposal for decision when recommending dismissal of a case. The Commission must then consider the proposal for decision as soon as practicable under 16 TAC § 22.181(f)(2).

4. This proceeding should be dismissed without prejudice due to Ms. Muhammad's failure to prosecute the complaint under 16 TAC § 22.181(d)(6).

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission adopts the proposal for decision, including findings of fact and conclusions of law, as provided in this Order.
2. The complaint is dismissed, without prejudice, due to Ms. Muhammad's failure to prosecute.
3. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the 14th day of February 2020.

PUBLIC UTILITY COMMISSION OF TEXAS


DEANN T. WALKER, CHAIRMAN


ARTHUR C. D'ANDREA, COMMISSIONER


SHELLY BOTKIN, COMMISSIONER