



Control Number: 50879



Item Number: 4

Addendum StartPage: 0



DOCKET NO. 50879

**COMPLAINT OF EMILY MCCARTY §
AGAINST THE LUXE 380 APARMENTS §
§**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**ORDER NO. 2
REQUIRING A RESPONSE AND CLARIFICATION FROM COMPLAINANT**

On August 11, 2020, the undersigned administrative law judge (ALJ) filed Order No. 1 requiring Emily McCarty to, by August 31, 2020, either (1) re-file her complaint non-confidentially and redact or file specific pages confidentially; or (2) notify the Commission in writing that her intent with the May 26, 2020 confidential filing was to ask that the Commission undertake an investigation of Luxe 380 Apartments under 16 Texas Administrative Code (TAC) § 22.241(a)(1). As of the date of this Order, no response from Ms. McCarty has been received.

In light of the above, Ms. McCarty is afforded another opportunity to file, by September 30, 2020, a response and clarification to her complaint as follows:

- If it is her desire to pursue a formal complaint against Luxe 380 Apartments under 16 TAC § 22.242, then Ms. McCarty must re-file her complaint non-confidentially and provide a copy of the complaint to Luxe 380 Apartments. When she refiles non-confidentially, Ms. McCarty may redact or file confidentially any specific pages that contain personal identification information, such as social security numbers or bank account numbers, as allowed by 16 TAC § 22.72(g)(7).

OR

- If she prefers, Ms. McCarty may notify the Commission in writing that her intent with the May 26, 2020 confidential filing was to ask that the Commission undertake an investigation of Luxe 380 Apartments under 16 TAC § 22.241(a)(1). Under that rule, the Commission may “on its own motion, or the motion of the commission’s staff,” institute a formal investigation. Thus, if Ms. McCarty wishes to pursue this alternative, her request for an investigation would be considered informational and taken under advisement by the Commission and Commission Staff, the request itself would not initiate a formal contested case process, and no further action would be taken in this docket. However, the Commission Staff would be free to pursue its own investigation of Luxe 380 Apartments if it determined that such an investigation was warranted.

Should Ms. McCarty again fail to respond, the ALJ will deem it her intent that the purpose of her filing was purely informational under 16 TAC § 22.241(a)(1) and the docket will be closed.

In light of this Order, the ALJ continues to defer ruling on Commission Staff's motion to declassify at this time.

Signed at Austin, Texas the 11th day of September 2020.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE