



Control Number: 51269



Item Number: 14

Addendum StartPage: 0

**DOCKET NO. 51269**

**PETITION TO REVOKE CYNDIE  
PARK UNIT 1 WATER COOP'S  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY UNDER TEXAS  
WATER CODE § 13.254 AND 16 TEXAS  
ADMINISTRATIVE CODE § 24.245**

**§ PUBLIC UTILITY COMMISSION**

**OF TEXAS**  
2021 JAN 12:00  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**DEFAULT ORDER**

This Default Order addresses the October 2, 2020 petition of Commission Staff to revoke the water certificate of convenience and necessity (CCN) held by Juan L. Castillo, Grant J. Wiedemann, Fermin Valle, Richard Munoz, and Marian Wiedemann dba Cyndie Park I Water Co-Op for violations of the Texas Water Code (TWC) and Commission rules. The Commission grants the petition by default and revokes Cyndie Park's water CCN number 12107.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**CCN Holder**

1. On April 6, 1988, the Texas Water Commission granted CCN number 12107 to Juan L. Castillo, Grant J. Wiedemann, Fermin Valle, Richard Munoz, and Marian Wiedemann dba Cyndie Park I Water Co-Op.
2. Cyndie Park has in the past operated, maintained, or controlled facilities for providing potable water service for compensation under water CCN number 12107 in Nueces County.
3. Cyndie Park is not registered with the Texas secretary of state as a distinct business entity.

**Commission Staff's Petition**

4. On October 2, 2020, Commission Staff filed its petition in this proceeding, in which it seeks to revoke the water CCN of Cyndie Park for failure to provide continuous and adequate water service.
5. The petition alleges that Cyndie Park is no longer providing and is incapable of providing continuous and adequate water service and therefore, its CCN should be revoked.
6. Cyndie Park's CCN was issued on April 6, 1988.

7. The Commission's records indicate that Cyndie Park is no longer in business and the facilities it used to provide water service are inactive.
8. Cyndie Park is no longer providing and is incapable of providing continuous and adequate water service.

Notice

9. Cyndie Park's last known address in the Commission's records is:  
Cyndie Park Unit I Water  
RR I Box  
Robstown, Texas 78380-9801
10. After reasonable investigation, Commission Staff identified Cyndie Park's last known addresses as shown in the Texas Commission on Environmental Quality's (TCEQ) records as:
  - a. Grant Weidemann  
Cyndie Park Unit I Water Co-op  
PO Box 543  
Nebraska City, Nebraska 68410
  - b. Cyndie Park Unit I Water Co-op  
Route 1, Box 10  
Robstown, Texas 78380
11. On November 13, 2020, Commission Staff filed the affidavit of Isabel Herrera, an administrative assistant with the Commission's legal division, attesting that a copy of the petition was sent by certified mail, return receipt requested, to Cyndie Park's last known addresses identified above on October 2, 2020.
12. In Order No. 2 filed on November 19, 2020, the administrative law judge directed Commission Staff to re-mail a copy of the petition by November 24, 2020, and to file supplemental proof of notice by December 3, 2020.
13. On December 3, 2020, Commission Staff filed the affidavit of Ms. Herrera attesting that an additional copy of the petition was sent by certified mail, return receipt requested, to Cyndie Park's last known addresses identified above on November 24, 2020.
14. On December 15, 2020, Commission Staff filed the affidavit of Francisco Castellanos, a clerk with the Commission's central records division, attesting that a copy of Commission

Staff's motion for entry of a default order was sent by certified mail, return receipt requested, to Cyndie Park's last known addresses identified above on November 13, 2020.

15. The petition notified Cyndie Park that it was entitled to request a hearing within 30 days after the filing of the petition and included the following admonition in at least 12-point, bold-face type:

**The factual allegations listed in Commission Staff's Petition and Notice of Opportunity for a Hearing could be deemed admitted and the relief sought herein could be granted by default if you fail to timely request a hearing.**

**Evidentiary Record**

16. On November 13, 2020, Commission Staff filed a motion requesting the affidavit of Ms. Herrera be admitted into evidence.
17. On December 3, 2020, Commission Staff filed a motion requesting that Ms. Herrera's December 2, 2020 affidavit be admitted into evidence.
18. On December 15, 2020, Commission Staff filed a motion requesting the affidavit of Mr. Castellanos be admitted into evidence.
19. In Order No. 4 filed on December 16, 2020, the administrative law judge admitted the following into evidence: (a) Commission Staff's petition, including the attached water CCN number 12107 issued to Cyndie Park, filed on October 2, 2020; (b) the affidavit of Ms. Herrera and supporting documents, attached to Commission Staff's response to Order No. 1, filed on November 13, 2020; (c) the affidavit of Ms. Herrera and supporting documents, attached to Commission Staff's response to Order No. 2, filed on December 3, 2020; and (d) the affidavit of Mr. Castellanos and supporting documents, attached to Commission Staff's clarification in response to Order No. 3, filed on December 15, 2020.

**Current CCN Holder No Longer Providing and Incapable of Providing Continuous and Adequate Service—TWC § 13.254(a)(1); 16 Texas Administrative Code (TAC) § 24.245(d)(1)(A)**

20. In Docket No. 48372,<sup>1</sup> the Nueces Water Supply Corporation (Nueces WSC) filed an application to acquire Cyndie Park, but Nueces WSC was ultimately unable to effectuate that transaction because it could not locate anyone from Cyndie Park.
21. In Docket No. 51159,<sup>2</sup> Nueces WSC sought to amend its CCN to include territory exclusively granted to Cyndie Park and to decertify Cyndie Park's CCN. In its application, Nueces WSC indicated that it had been unable to contact anyone from Cyndie Park.
22. A TCEQ investigation report from April 2009, which was provided by Nueces WSC in its application, indicated that the public water system associated with Cyndie Park has been inactive since before 2000.
23. Commission records indicate that the public water system (TCEQ identification number 1780051) associated with Cyndie Park is inactive.
24. Cyndie Park is no longer in business, and the facilities it used to provide retail water service are inactive.

**Motion for Disposition by Default**

25. On November 13, 2020, Commission Staff filed a motion for entry of a default order.
26. The motion for default was served on Cyndie Park in the same way that the petition was served.

**Grounds for Default**

27. More than 30 days have passed since service of the petition to Cyndie Park.
28. Cyndie Park did not request a hearing on the merits and did not respond to the petition.
29. More than 30 days have passed since service of the motion for default.
30. Cyndie Park did not respond to the motion for default.

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<sup>1</sup> *Application of Nueces Water Supply Corporation for Sale, Transfer, or Merger of Cyndie Park Unit 1 Water Co-Op Facilities and Certificate Rights in Nueces County*, Docket No. 48372 (withdrawn).

<sup>2</sup> *Application of Nueces Water Supply Corporation to Amend a Certificate of Convenience and Necessity and to Decertify Cyndie Park Unit 1 Water Co-Op's Certificate of Convenience and Necessity in Nueces County*, Docket No. 51159 (withdrawn).

## II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over this petition under TWC § 13.254.
2. Cyndie Park is a retail public utility under 16 TAC § 24.3(31).
3. Under TWC § 13.250 and 16 TAC § 24.247, Cyndie Park, as the holder of water CCN number 12107, is obligated to provide water service to every customer and applicant for service within its CCN area who requests water service and meets the terms of Cyndie Park's water service, and such service must be continuous and adequate.
4. Because Cyndie Park is no longer providing and is incapable of providing continuous and adequate service in the area covered by its CCN in violation of TWC § 13.250 and 16 TAC § 24.247, the Commission is entitled to revoke its CCN under TWC § 13.254(a)(1) and 16 TAC § 24.245(d)(1)(A).
5. Adequate notice was provided to Cyndie Park in compliance with Texas Government Code § 2001.054 and 16 TAC §§ 22.54 and 22.183.
6. Cyndie Park failed to request a hearing within 30 days of service of the notice of an opportunity for a hearing, as provided in 16 TAC § 22.183(a).
7. The requirements for disposition by default in 16 TAC § 22.183 have been met in this proceeding.

## III. Ordering Paragraphs

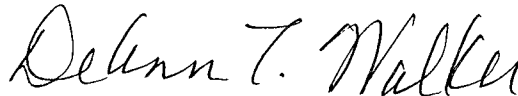
In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission deems the allegations in Commission Staff's petition as true.
2. The Commission takes official notice of its records and the TCEQ's records that contain the last-known addresses of Cyndie Park.
3. The Commission grants Commission Staff's motion for default order and revokes Juan L. Castillo, Grant J. Wiedemann, Fermin Valle, Richard Munoz, and Marian Wiedemann dba Cyndie Park I Water Co-Op's water CCN number 12107.

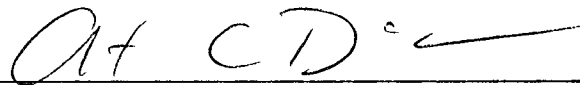
4. The Commission is not constrained in any manner from requiring additional action or penalties for violations that are not raised here.
5. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 20<sup>th</sup> day of January 2021.

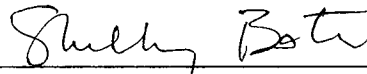
**PUBLIC UTILITY COMMISSION OF TEXAS**



**DEANN T. WALKER, CHAIRMAN**



**ARTHUR C. D'ANDREA, COMMISSIONER**



**SHELLY BOTKIN, COMMISSIONER**