



Control Number: 51269



Item Number: 4

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DOCKET NO. 51269

2020 NOV 13 AM 10:18

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

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 1: MOTION FOR ENTRY OF A
DEFAULT ORDER**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 1, Staff's Motion for Entry of a Default Order. Staff recommends that the Commission enter the attached default order. In support thereof, Staff shows the following:

I. BACKGROUND

On October 2, 2020, Staff filed a petition to revoke Juan L. Castillo, Grant J. Wiedemann, Fermin Valle, Richard Munoz and Marian Wiedemann dba Cyndie Park I Water Co-Op's (Cyndie Park) water certificate of convenience and necessity (CCN) number 12107. On October 13, 2020, the administrative law judge (ALJ) filed Order No. 1, directing Staff to file a either a report regarding the status of the proceeding or a proposed default order by November 13, 2020. Therefore, this pleading is timely filed.

II. STAFF'S PROPOSED DEFAULT ORDER

Staff has attached a proposed default order to this pleading, which revokes Cyndie Park's CCN number 12107.

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III. MOTION TO ADMIT EVIDENCE

Staff has also attached the affidavit of Isabel Herrera, an administrative assistant with the Legal Division. Ms. Herrera's affidavit states that she mailed Staff's petition to the addresses listed in the petition and shows that notice was given to Cyndie Park in accordance with Commission rules and the Administrative Procedure Act.

Staff respectfully requests that this affidavit be admitted into evidence.

IV. CONCLUSION

For the reasons specified above, Staff respectfully recommends that the Commission enter the attached default order.

Dated: November 13, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

/s/ Taylor Kilroy
Taylor Kilroy
State Bar No. 24087844
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7127
(512) 936-7268 (facsimile)
taylor.kilroy@puc.texas.gov

DOCKET NO. 51269

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on November 13, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Taylor Kilroy
Taylor Kilroy

Attachment One
Proposed Default Order

DOCKET NO. 51269

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

PROPOSED DEFAULT ORDER

This default order addresses the petition of Commission Staff to revoke the water certificate of convenience and necessity (CCN) of Juan L. Castillo, Grant J. Wiedemann, Fermin Valle, Richard Munoz and Marian Wiedemann dba Cyndie Park I Water Co-Op for violations of Texas Water Code (TWC) and Commission rules. The Commission grants the petition, by default, and revokes water certificate of convenience and necessity 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” (Cyndie Park).
2. Cyndie Park is a retail public utility certificated to provide water service.
3. Cyndie Park is located in Nueces County, Texas outside of the city of Robstown.
4. Cyndie Park is not registered with the Texas Secretary of State as a distinct business entity.
5. In Docket 48372,¹ 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 to sign the Transferor's Oath.

¹ *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).

6. In Docket 51159,² 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.
7. 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 had been inactive since before 2000.
8. Commission records indicate that the public water system number 1780051 associated with Cyndie Park is inactive.
9. Cyndie Park is no longer in business and the facilities it used to provide continuous and adequate service are inactive.

Notice

10. The Commission's records and the Texas Commission on Environmental Quality's (TCEQ) records list the following addresses for Cyndie Park:
 - a. Commission Records

Cyndie Park Unit I Water
RR I Box
Robstown, Texas 78380-9801
 - b. TCEQ Records

Grant Weidemann
Cyndie Park Unit I Water Co-op
PO Box 543
Nebraska City, NE 68410
 - c. Cyndie Park Unit I Water Co-op
Route 1, Box 10
Robstown, Texas 78380
11. On October 2, 2020, Commission Staff sent a copy of the petition by certified mail, return receipt requested, to the address for Cyndie Park as shown in the Commission's records, and, after reasonable investigation, to the address for Cyndie Park as shown in TCEQ's records.

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

12. The petition notified Cyndie Park, using a font size larger than 12-point, bold-face type, that the factual allegations in the petition could be deemed admitted and the relief requested could be granted by default if a timely hearing request was not made.

Motion for Default Order

13. On November 13, 2020, Commission Staff filed a motion for entry of a default order.
14. The motion for default was served on Cyndie Park in the same way that the petition was served.
15. In its motion, Commission Staff provided the affidavit of Isabel Herrera, stating that Commission Staff's petition was sent by certified mail, return receipt requested, to the address for Cyndie Park as shown in the Commission's records, and, after reasonable investigation, to the address for Cyndie Park as shown in TCEQ's records.
16. On November 13, 2020, Commission Staff requested that Ms. Herrera's affidavit be admitted into evidence.
17. In Order No. 2 filed on _____, 2020, the administrative law judge admitted as evidence in the record of this proceeding, the affidavit of Isabel Herrera and the documents attached thereto filed on November 13, 2020.

Grounds for Default

18. More than 30 days have passed since service of the petition to Cyndie Park.
19. Cyndie Park did not request a hearing on the merits and did not respond to the petition.
20. More than 30 days have passed since service of the motion for default.
21. Cyndie Park did not respond to the motion for default.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over this petition under Texas Water Code (TWC) § 13.254.
2. Cyndie Park is a retail public utility under 16 TAC § 24.3(31).
3. As the holder of CCN number 12107, Cyndie Park must serve 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.

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).

4. Adequate notice was provided to Cyndie Park in compliance with 16 TAC §§ 22.54 and 22.183; and Texas Government Code § 2001.054.
5. 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).
6. 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 order:

1. The Commission deems the allegations in Commission Staff's petition as true.
2. The Commission takes official notice of its records that contain the address of Cyndie Park.
3. Commission Staff's petition and motion for default order are granted.
4. Cyndie Park's water CCN number 12107 is revoked.
5. The Commission is not constrained in any manner from requiring additional action or penalties for violations.
6. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas, the _____ day of _____, 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

DEANN T. WALKER, CHAIRMAN

ARTHUR C. D'ANDREA, COMMISSIONER

SHELLY BOTKIN, COMMISSIONER

Attachment Two
Affidavit of Isabel Herrera

DOCKET NO. 51269

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

AFFIDAVIT OF ISABEL HERRERA

§
STATE OF TEXAS §
TRAVIS COUNTY §

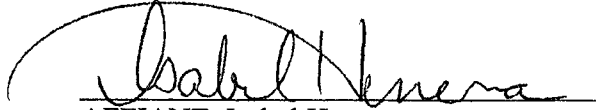
BEFORE ME, the undersigned authority, on this day personally appeared, Isabel Herrera, and being by me duly sworn, upon oath declared that the statements and capacity acted in are true and correct.

"My name is Isabel Herrera. I am an administrative assistant in the Legal Division of the Public Utility Commission of Texas (Commission). I am over the age of twenty-one, and I am competent to make this Affidavit. In accordance with 16 Texas Administrative Code § 22.183(b), I mailed, by certified mail, a copy of Commission Staff's Petition to Revoke Cyndie Park Unit 1 Water's Certificate of Public Convenience and Necessity and Notice of Opportunity for a Hearing filed on October 2, 2020, to the last known addresses of Cyndie Park Unit 1 Water in the Texas Commission on Environmental Quality and the Commission's records on October 2, 2020. Please see the attached tracking information for each item and a copy of the petition.

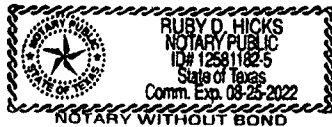
Cyndie Park Unit I Water
RR 1 BOX
Robstown, Texas
78380-9801

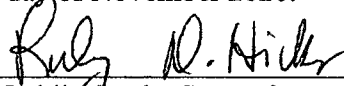
Grant Weidemann
Cyndie Park Unit I Water Co-op
PO Box 543
Nebraska City, NE 68410

Cyndie Park Unit I Water Co-op
Route 1, Box 10
Robstown, Texas 78380


AFFIANT: Isabel Herrera

SWORN TO AND SUBSCRIBED BEFORE ME this 12th day of November 2020.




Notary Public for the State of Texas



UNITED STATES
POSTAL SERVICE®

Sent on 10-2-20

Firm Mailing Book For Accountable Mail

Name and Address of Sender

Public Utility Commission of Texas
1701 N. Congress Ave
P.O. Box 13326
Austin, Texas 78711-3326

Check type of mail or service

- ☐ Adult Signature Required ☐ Priority Mail Express
☐ Adult Signature Restricted Delivery ☐ Registered Mail
☒ Certified Mail ☐ Return Receipt for Merchandise
☐ Certified Mail Restricted Delivery ☐ Signature Confirmation
☐ Collect on Delivery (COD) ☐ Signature Confirmation Restricted Delivery
☐ Insured Mail
☐ Priority Mail

Affix Stamp Here

(for additional copies of this receipt).
Postmark with Date of Receipt.

000013

USPS Tracking/Article Number

Addressee (Name, Street, City, State, & ZIP Code™)

Postage (Extra Service) Fee Handling Charge Actual Value if Registered Insured Value Due Sender if COD ASR Fee ASRD Fee RD Fee RR Fee SC Fee SCD Fee SH Fee

1.

GRANT WEIDEMANN
CYNDIE PARK UNIT 1 WATER CO-OP
PO BOX 543
NEBRASKA CITY NE 68410

7001 0320 0000 9965 6170

2.

CYNDIE PARK UNIT 1 WATER
RR 1 BOX
ROBSTOWN TX 78380-9801

7001 0320 0000 9965 6200

3.

CYNDIE PARK UNIT 1 WATER CO-OP
RR 1 BOX 10
ROBSTOWN TX 78380

7001 0320 0000 9965 6187

4.

5.

6.

7.

8.

Total Number of Pieces
Listed by Sender

3

Total Number of Pieces
Received at Post Office

Postmaster, Per (Name of receiving employee)

[FAQs >](#)

Track Another Package +

Tracking Number: 70010320000099656200[Remove X](#)

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

In-Transit

October 11, 2020
In Transit to Next Facility

Get Updates ✓

Feedback

Text & Email Updates

Tracking History**October 11, 2020**

In Transit to Next Facility

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

October 7, 2020, 8:52 pm

Departed USPS Regional Facility

OKLAHOMA CITY OK DISTRIBUTION CENTER

October 7, 2020, 1:02 pm

Arrived at USPS Regional Facility

OKLAHOMA CITY OK DISTRIBUTION CENTER

October 5, 2020, 7:13 am

Insufficient Address

ROBSTOWN, TX 78380

October 3, 2020, 10:32 pm

Departed USPS Regional Facility

CORPUS CHRISTI TX DISTRIBUTION CENTER

October 3, 2020, 4:59 pm

Arrived at USPS Regional Facility

CORPUS CHRISTI TX DISTRIBUTION CENTER

October 3, 2020, 8:24 am

Departed USPS Regional Facility

AUSTIN TX DISTRIBUTION CENTER

October 2, 2020, 8:53 pm

Arrived at USPS Regional Facility

AUSTIN TX DISTRIBUTION CENTER

Feedback

Product Information

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

[FAQs >](#)[Track Another Package +](#)**Tracking Number:** 70010320000099656170[Remove X](#)

Your item has been delivered to the original sender at 9:24 am on October 9, 2020 in AUSTIN, TX 78711.

Delivered

October 9, 2020 at 9:24 am
Delivered, To Original Sender
AUSTIN, TX 78711

[Feedback](#)

Text & Email Updates



Tracking History



October 9, 2020, 9:24 am

Delivered, To Original Sender
AUSTIN, TX 78711

Your item has been delivered to the original sender at 9:24 am on October 9, 2020 in AUSTIN, TX 78711.

October 9, 2020, 8:08 am

Distribution to PO Box in Progress
AUSTIN, TX 78701

October 9, 2020, 7:57 am

Arrived at Unit
AUSTIN, TX 78701

October 9, 2020, 5:14 amArrived at USPS Facility
AUSTIN, TX 78711**October 9, 2020, 5:02 am**Departed USPS Regional Facility
AUSTIN TX DISTRIBUTION CENTER**October 8, 2020, 3:56 pm**Arrived at USPS Regional Facility
AUSTIN TX DISTRIBUTION CENTER**October 8, 2020, 11:11 am**Departed USPS Facility
IRVING, TX 75059**October 8, 2020, 8:42 am**Arrived at USPS Facility
IRVING, TX 75059**October 8, 2020, 12:55 am**Departed USPS Regional Facility
AMARILLO TX DISTRIBUTION CENTER**October 7, 2020, 6:37 pm**Arrived at USPS Regional Facility
AMARILLO TX DISTRIBUTION CENTER**October 5, 2020, 10:54 am**Vacant
NEBRASKA CITY, NE 68410**October 5, 2020, 7:48 am**Vacant
NEBRASKA CITY, NE 68410**October 5, 2020, 2:08 am**

Departed USPS Regional Facility

LINCOLN NE DISTRIBUTION CENTER

October 5, 2020, 1:12 am

Arrived at USPS Regional Facility

LINCOLN NE DISTRIBUTION CENTER

October 4, 2020, 6:51 pm

Departed USPS Regional Facility

OMAHA NE DISTRIBUTION CENTER

October 4, 2020, 10:47 am

Arrived at USPS Regional Facility

OMAHA NE DISTRIBUTION CENTER

October 3, 2020, 8:24 am

Departed USPS Regional Facility

AUSTIN TX DISTRIBUTION CENTER

October 2, 2020, 8:53 pm

Arrived at USPS Regional Facility

AUSTIN TX DISTRIBUTION CENTER

Feedback

Product Information



See Less ^

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Go to our FAQs section to find answers to your tracking questions.

FAQs

Track Another Package +

Tracking Number: 70010320000099656187

Remove X

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

In-Transit

October 11, 2020
In Transit to Next Facility

Get Updates ✓

Feedback

Text & Email Updates



Tracking History



October 11, 2020

In Transit to Next Facility

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

October 7, 2020, 8:52 pm

Departed USPS Regional Facility

OKLAHOMA CITY OK DISTRIBUTION CENTER

October 7, 2020, 1:02 pm

Arrived at USPS Regional Facility

OKLAHOMA CITY OK DISTRIBUTION CENTER

October 5, 2020, 7:13 am

Insufficient Address

ROBSTOWN, TX 78380

October 3, 2020, 10:32 pm

Departed USPS Regional Facility

CORPUS CHRISTI TX DISTRIBUTION CENTER

October 3, 2020, 4:59 pm

Arrived at USPS Regional Facility

CORPUS CHRISTI TX DISTRIBUTION CENTER

Product Information



See Less 

Feedback

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

DOCKET NO. 51269

PETITION TO REVOKE CYNDIE	§	PUBLIC UTILITY COMMISSION
PARK UNIT I WATER’S	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY PURSUANT TO	§	
TEX. WATER CODE § 13.254 AND 16	§	
TEXAS ADMINISTRATIVE CODE	§	OF TEXAS
§ 24.245	§	

**COMMISSION STAFF'S PETITION TO REVOKE CYNDIE PARK UNIT I WATER’S
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND
NOTICE OF OPPORTUNITY FOR A HEARING**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Petition to Revoke Cyndie Park Unit I Water’s Certificate of Public Convenience and Necessity (Petition) and hereby provides notice of the opportunity to request a hearing on the merits of this Petition.

I. INTRODUCTION

For the reasons discussed below, the water Certificate of Public Convenience and Necessity (CCN) No. 12107 for Cyndie Park Unit I Water (Cyndie Park) should be revoked. Upon investigation, Staff has determined that the public water system associated with Cyndie Park is inactive, and that the CCN should be revoked.

In the event Cyndie Park fails to request a hearing within thirty days of service of this Petition, a default order should be issued, without additional notice to Cyndie Park, granting all relief sought in this Petition. In support of this Petition, Staff respectfully shows the following:

II. JURISDICTION AND LEGAL AUTHORITY

The Commission is authorized to regulate and supervise the business of each water and sewer utility within its jurisdiction.¹ Pursuant to Tex. Water Code Ann. § 13.242 (TWC), a “utility, or water supply or sewer service corporation may not in any way render retail water or sewer utility service directly or indirectly to the public without first having obtained from the utility commission

¹ Tex. Water Code Ann. § 13.041 (TWC).

a certificate that the present or future public convenience and necessity will require that installation, operation, or extension.”

A retail public utility is “[a]ny person corporation, public utility, water supply or sewer service corporation, municipality, political subdivision or agency operating, maintaining, or controlling in this state facilities for providing potable water service or sewer service, or both, for compensation.”²

A retail public utility that possesses a CCN is required to provide continuous and adequate service.³ A retail public utility that possesses a CCN and fails to provide continuous and adequate service may be subject to revocation.⁴ As part of this authority, the Commission, “after notice and hearing, may revoke or amend any” CCN if the Commission finds that the certificate holder “has never provided, is no longer providing, is incapable of providing, or has failed to provide continuous and adequate service” in the area, or part of the area, covered by the certificate.⁵

Pursuant to the contested case provisions of the Administrative Procedure Act,⁶ a party is entitled to an opportunity for a hearing after reasonable notice of not less than 10 days, where the party may respond to and present evidence and argument on each issue involved in the case.⁷ If a hearing is not requested within thirty days after service of notice of an opportunity for hearing, a default occurs.⁸ Upon default, the presiding officer may issue a default order, revoking the certificate without a hearing on an informal basis.⁹

III. FACTUAL ALLEGATIONS

Cyndie Park is located in Nueces County, Texas outside of the city of Robstown. On April 6, 1988, the Texas Water Commission granted CCN No. 12107 to “Juan L. Castillo, Grant J. Wiedemann, Fermin Valle, Richard Munoz and Marian Wiedemann dba Cyndie Park I Water Co-Op.”¹⁰

² TWC § 13.002(19) and 16 TAC § 24.3(31).

³ See TWC § 13.250(a) and 16 TAC § 24.225.

⁴ TWC § 13.254(a)(1) and 16 TAC 24.245(d)(1)(A).

⁵ *Id*

⁶ Administrative Procedure Act, Tex. Gov’t Code Ann. §§ 2001.001-.902 (APA).

⁷ APA § 2001.051.

⁸ 16 TAC § 22.183.

⁹ APA § 2001.056(4) and 16 TAC § 22.183.

¹⁰ See Attachment One, Water Certificate of Convenience and Necessity No. 12107.

In Docket 48372, 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 to sign the Transferor's Oath.¹¹ In Docket 51159, Nueces WSC sought to amend its CCN to include territory exclusively granted to Cyndie Park and to decertify Cyndie Park's CCN.¹² In its application, Nueces WSC indicated that it had been unable to contact anyone from Cyndie Park.¹³ A copy of 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 2000.¹⁴

Commission records further indicate that Cyndie Park's CCN is inactive.¹⁵

Staff's review of Commission records indicate that Cyndie Park is no longer in business, and the facilities it used to provide continuous and adequate service are inactive. Therefore, Cyndie Park is no longer providing and is incapable of providing continuous and adequate service.

IV. RECOMMENDATION FOR REVOCATION

The Commission should revoke Cyndie Park's CCN No. 12107 because Cyndie Park is no longer in business, and the facilities it used to provide continuous and adequate service are inactive.¹⁶ As long as CCN No. 12107 continues to remain in effect, it may be a violation of Commission rules for another company to provide service in the certificated area.¹⁷ Nueces WSC indicated in its application that it was already serving six customers within Cyndie Park's service area.¹⁸

¹¹ *Application of Nueces County Water Supply Corporation for Sale, Transfer, or Merger of Cyndie Park Unit I Co-op Facilities and Certificate Rights in Nueces County*, Docket 48372, Motion to Withdraw Application (July 11, 2018).

¹² *Application of Nueces County Water Supply Corporation to Amend a Certificate of Convenience and Necessity and to Decertify Cyndie Park Unit I Water Coop's Certificate of Convenience and Necessity in Nueces County*, Docket 51159, Application (Aug. 12, 2020).

¹³ *Id.* at 33. "The address of the current owner(s) of Cyndie Park Unit I Water Coop is unknown, and Nueces Water Supply Corporation has been unsuccessful in locating the responsible party. Attached hereto is a copy of the letter from Nueces WSC to Mr. Grant Weidemann, the contact of record for Cyndie Park Unit I. The letter was returned undeliverable. Since no representative of Cyndie Park Unit I can be located and the current residential customers have no water service provider, Nueces WSC is submitting its application for the decertification of the Cyndie Park Unit I CCN so that Nueces WSC can be singly certified to provide reliable water service to the residents."

¹⁴ *Id.* at 38. "Cyndie Park Unit I Water COOP was a former PWS that was dissolved/deleted. According to the TCEQ Integrated Water Utilities Database (IWUD), this water system has been inactive for over 10 years."

¹⁵ <https://www.puc.texas.gov/WaterSearch/Utility?siteId=13468>

¹⁶ See TWC § 13.254(a)(1) and 16 TAC 24.245(d)(1)(A).

¹⁷ See TWC § 13.242

¹⁸ *Supra* note 12, at 43.

For the above stated reasons, Staff recommends revocation of CCN No. 12107 pursuant to TWC § 13.254(a)(1) and 16 TAC § 24.245(d)(1)(A).

V. NOTICE OF OPPORTUNITY FOR HEARING

16 TAC §§ 22.54 and 22.55 require Staff to provide reasonable notice to persons affected by a proceeding in accordance with the Administrative Procedure Act. In license revocation proceedings, APA § 2001.054 requires that notice be given "by personal service or by registered or certified mail to the license holder of facts or conduct alleged to warrant the intended action." In order to proceed on a default basis, 16 TAC § 22.183 requires Staff to provide notice by certified mail, return receipt requested: (a) to a certificate holder's last known address in the Commission's records; (b) to the person's registered agent for process on file with the Secretary of State; or (3) to an address for the party identified after reasonable investigation if the first two options are not applicable.

In accordance with these provisions, Staff will provide a copy of this petition by certified mail, return receipt requested, to Cyndie Park's last known address in the TCEQ's and Commission's records:

Cyndie Park Unit I Water
RR 1 BOX
Robstown, Texas 78380-9801

Grant Weidemann
Cyndie Park Unit I Water Co-op
PO Box 543
Nebraska City, NE 68410¹⁹

Cyndie Park Unit I Water Co-op
Route 1, Box 10
Robstown, Texas 78380²⁰

Staff could not locate Cyndie Park I Water Co-op as registered with the Texas Secretary of State.

¹⁹ Address listed for the public water system associated with Cyndie Park in the TCEQ's Drinking Water Watch.
https://dww2.tceq.texas.gov/DWW/JSP/WaterSystemDetail.jsp?tinwsys_is_number=10998&tinwsys_st_code=TX&wsnumber=TX1780051%20%20%20&DWWState=TX

²⁰ Address listed in the TCEQ investigation report, *supra* note 13.

Pursuant to 16 TAC § 22.183, Staff hereby notifies Cyndie Park that the factual allegations in this petition could be deemed admitted and the relief sought herein granted by default if Cyndie Park fails to request a hearing within 30 days after service of the Petition and Notice of Opportunity for Hearing. The purpose of a hearing on the merits is to consider revocation of Cyndie Park's CCN No. 12107. If Cyndie Park fails to request a hearing, the presiding officer may issue a default order on an informal basis without a hearing on the merits pursuant to APA § 2001.056(4) and 16 TAC § 22.183.

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.

VI. REQUEST

WHEREFORE, PREMISES CONSIDERED, Staff respectfully requests that the Commission grants Staff's request to revoke Cyndie Park's CCN No. 12107. In the event that Cyndie Park fails to request a hearing on the merits, Staff requests that the Commission issue a default final order, with no further notice to Cyndie Park, revoking CCN No. 12107.

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

/s/ Taylor Kilroy

Taylor Kilroy

State Bar No. 24087844

1701 N. Congress Avenue

P.O. Box 13326

Austin, Texas 78711-3326

(512) 936-7127

(512) 936-7268 (facsimile)

taylor.kilroy@puc.texas.gov

CERTIFICATE OF SERVICE

I certify that on October 2, 2020, pursuant to 16 TAC § 22.183(b)(2), a copy of this document was sent certified mail, return receipt requested, to the last known address of Cyndie Park Unit I Water (Cyndie Park) in the Commission's and TCEQ's records:

Cyndie Park's Last Known Address in Commission records:

Cyndie Park Unit I Water
RR 1 BOX
Robstown, Texas 78380-9801

Cyndie Park's Last Known Address in TCEQ's records:

Grant Weidemann
Cyndie Park Unit I Water Co-op
PO Box 543
Nebraska City, NE 68410

Cyndie Park Unit I Water Co-op
Route 1, Box 10
Robstown, Texas 78380

/s/ Taylor Kilroy
Taylor Kilroy

Attachment 1

Water Certificate of Convenience and Necessity

No. 12107

TEXAS WATER COMMISSION



CERTIFICATE OF CONVENIENCE AND NECESSITY

To Provide Water Service Under V.T.C.A., Water Code
and Texas Water Commission Substantive Rules

Certificate No. 12107

I. Certificate Holder:

Name: Juan L. Castillo, Grant J. Wiedemann, Fermin Valle,
Richard Munoz and Marian Wiedemann dba
Cyndie Park I Water Co-Op

Address: Route 1, Box 10 Cyndie Lane
Robstown, Texas, 78380

II. General Description and Location of Service Area:

The area covered by this certificate is located approximately 7.5 miles northeast of Agua Dulce, Texas off of Farm to Market Road 1833. The service area is generally bounded on the south by an unnamed County Road and on the north by the certified service area of Cyndie Park II Water Company, CCN No. 12100, in Nueces County.

III. Certificate Maps:

The certificate holder is authorized to provide water service in the area identified on the Commission's official service area map, WRS-178, maintained in the offices of the Texas Water Commission, 1700 North Congress, Austin, Texas with all attendant privileges and obligations.

This certificate is issued subject to the rules and orders of the Commission, the laws of the State of Texas, conditions contained herein and may be revoked for violations thereof. The certificate is valid until amended or revoked by the Commission.

ISSUED this 6th day of April 1988

ATTEST:

Karen A. Phillips Pam Hopkins
For the Commission