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DOCKET NO. 51269

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| PETITION TO REVOKE CYNDIE | § | PUBLIC UTILITY COMMISSION |
|----------------------------------|---|---------------------------|
| PARK UNIT 1 WATER'S | § | FILING CLENK |
| 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. 2: SUPPLEMENTAL PROOF OF NOTICE

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 2, Staff's Supplemental Proof of Notice. 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 November 19, 2020, the administrative law judge (ALJ) filed Order No. 2, directing Staff to re-send notice by November 24, 2020 and to file supplemental proof of notice by December 3, 2020. Therefore, this pleading is timely filed.

II. MOTION TO ADMIT EVIDENCE

Staff has 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 on October 2, 2020 and November 24, 2020 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, including all attachments, be admitted into evidence.

III. CONCLUSION

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

Dated: December 3, 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

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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 December 3, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

<u>/s/ Taylor Kilroy</u> Taylor Kilroy

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

| | 8 |
|----------------|---|
| STATE OF TEXAS | § |
| TRAVIS COUNTY | § |

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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 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.

As directed by Order No. 2, I re-mailed a copy of the petition by certified mail, return receipt requested, to the last known addresses of Cyndie Park Unit 1 Water in the Texas Commission on Environmental Quality and the Commission's records on November 24, 2020.

1

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

eners L Ja AFFIANT: Isabel Herrera

SWORN TO AND SUBSCRIBED BEFORE ME this 2 day of December 2020. Notary Public for the State of T exas ANNIN STINS



<u>Attachment One</u> <u>Affidavit of Isabel Herrera</u>

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Track Another Package +

Tracking Number: 70010320000099656170

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

Order Delivered

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

Get 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 FAQs >

Remove X

Feedback

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AUSTIN, TX 78701

October 9, 2020, 5:14 am

Arrived 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

Product Information

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FAQs

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USPS Tracking[®]

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Tracking Number: 70010320000099656200

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

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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

Product Information

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Tracking Number: 70010320000099656187

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

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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

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USPS Tracking[®]

Track Another Package +

Tracking Number: 70010320000099655999

Your item was delivered at 10:36 am on November 30, 2020 in AUSTIN, TX 78701.

⊘ Delivered

November 30, 2020 at 10:36 am Delivered AUSTIN, TX 78701

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Tracking History

November 30, 2020, 10:36 am Delivered AUSTIN, TX 78701 Your item was delivered at 10:36 am on November 30, 2020 in AUSTIN, TX 78701.

November 30, 2020, 7:00 am Available for Pickup AUSTIN, TX 78701

November 28, 2020, 10:34 am Arrived at Unit AUSTIN, TX 78701 November 27, 2020, 8:02 am Arrived at USPS Regional Facility AUSTIN TX DISTRIBUTION CENTER

November 26, 2020, 9:37 am Arrived at USPS Regional Facility SAN ANTONIO TX DISTRIBUTION CENTER

November 25, 2020 In Transit to Next Facility

November 24, 2020, 8:15 pm Departed USPS Regional Facility CORPUS CHRISTI TX DISTRIBUTION CENTER

November 24, 2020, 12:45 pm Arrived at USPS Regional Facility CORPUS CHRISTI TX DISTRIBUTION CENTER

November 24, 2020, 9:20 am Departed USPS Regional Facility AUSTIN TX DISTRIBUTION CENTER

November 23, 2020, 11:26 pm Arrived at USPS Regional Facility AUSTIN TX DISTRIBUTION CENTER

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Tracking Number: 70010320000099656019

Your item arrived at our USPS facility in AUSTIN TX DISTRIBUTION CENTER on December 3, 2020 at 8:21 am. The item is currently in transit to the destination.

In-Transit

December 3, 2020 at 8:21 am Arrived at USPS Regional Facility AUSTIN TX DISTRIBUTION CENTER

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Tracking History

December 3, 2020, 8:21 am

Arrived at USPS Regional Facility AUSTIN TX DISTRIBUTION CENTER Your item arrived at our USPS facility in AUSTIN TX DISTRIBUTION CENTER on December 3, 2020 at 8:21 am. The item is currently in transit to the destination.

December 2, 2020 In Transit to Next Facility

December 1, 2020, 10:12 am

Arrived at USPS Regional Facility

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OMAHA NE DISTRIBUTION CENTER

November 28, 2020, 11:26 am Vacant NEBRASKA CITY, NE 68410

November 27, 2020, 9:13 am Vacant NEBRASKA CITY, NE 68410

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November 27, 2020, 5:20 am Available for Pickup NEBRASKA CITY, NE 68410

November 27, 2020, 4:48 am Arrived at Unit NEBRASKA CITY, NE 68410

November 26, 2020, 10:23 pm Departed USPS Regional Facility LINCOLN NE DISTRIBUTION CENTER

November 25, 2020, 10:30 pm Arrived at USPS Regional Facility LINCOLN NE DISTRIBUTION CENTER

November 25, 2020, 3:15 pm Departed USPS Regional Facility OMAHA NE DISTRIBUTION CENTER

November 25, 2020, 1:32 pm Arrived at USPS Regional Facility OMAHA NE DISTRIBUTION CENTER November 24, 2020, 9:20 am

Departed USPS Regional Facility AUSTIN TX DISTRIBUTION CENTER

November 23, 2020, 11:26 pm Arrived at USPS Regional Facility AUSTIN TX DISTRIBUTION CENTER

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Tracking Number: 70010320000099656002

Your item arrived at our USPS facility in CORPUS CHRISTI TX DISTRIBUTION CENTER on December 2, 2020 at 10:49 pm. The item is currently in transit to the destination.

In-Transit

December 2, 2020 at 10:49 pm Arrived at USPS Regional Facility CORPUS CHRISTI TX DISTRIBUTION CENTER

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Tracking History

December 2, 2020, 10:49 pm Arrived at USPS Regional Facility CORPUS CHRISTI TX DISTRIBUTION CENTER Your item arrived at our USPS facility in CORPUS CHRISTI TX DISTRIBUTION CENTER on December 2, 2020 at 10:49 pm. The item is currently in transit to the destination.

November 30, 2020 In Transit to Next Facility

November 26, 2020, 8:07 pm Departed USPS Regional Facility

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November 26, 2020, 9:37 am Arrived at USPS Regional Facility SAN ANTONIO TX DISTRIBUTION CENTER

November 24, 2020, 8:15 pm Departed USPS Regional Facility CORPUS CHRISTI TX DISTRIBUTION CENTER

November 24, 2020, 12:45 pm Arrived at USPS Regional Facility CORPUS CHRISTI TX DISTRIBUTION CENTER

November 24, 2020, 9:20 am Departed USPS Regional Facility AUSTIN TX DISTRIBUTION CENTER

November 23, 2020, 11:26 pm Arrived at USPS Regional Facility AUSTIN TX DISTRIBUTION CENTER

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