



## Filing Receipt

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**DOCKET NO. 53219**

<b>PETITION TO REVOKE M.A.B.D.D.</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>INC.'S CERTIFICATE OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>PURSUANT TO TEX. WATER CODE</b>	<b>§</b>	
<b>§ 13.254 AND 16 TAC § 24.245</b>	<b>§</b>	

**COMMISSION STAFF'S MOTION FOR ENTRY OF A DEFAULT ORDER**

The Staff of the Public Utility Commission of Texas files this Motion for Entry of a Default Order in accordance with 16 Texas Administrative Code (TAC) § 22.183. In support thereof, Commission Staff shows the following:

**I. BACKGROUND**

On April 19, 2022, Commission Staff filed an amended petition to revoke Certificate of Convenience and Necessity (CCN) No. 12009 belonging to M.A.B.D.D., Inc. (MABDD). In its amended petition, Commission Staff recommend, based on underlying supporting information, that MABDD is no longer providing continuous and adequate water service to the certificated area of CCN 12009, that the facilities necessary to provide continuous and adequate water service to the certificated area are inactive, and that MABDD's water CCN be revoked under Texas Water Code (TWC) § 13.254(a)(1) and 16 Texas Administrative Code (TAC) § 24.245(d)(1)(A). Commission Staff included the disclosure required under 16 TAC § 22.183(b)(1) and Commission Staff sent the amended petition to MABDD's addresses identified after a reasonable investigation, as required by 16 TAC § 22.183(b)(2).

Under 16 TAC § 22.183(a), a default occurs when a party fails to request a hearing within 30 days after service of notice of an opportunity for a hearing. In this matter, Commission Staff provided notice of an opportunity for a hearing and included a warning to MABDD that a default could be granted if MABDD failed to timely request a hearing within 30 days of service and a reference to statutes and rules involved.

## **II. STAFF'S PROPOSED DEFAULT ORDER**

Commission Staff has attached to this pleading a proposed default order which revokes MABDD's CCN No. 12009.

## **III. MOTION TO ADMIT EVIDENCE**

Commission Staff has attached the affidavit of Rose Ramirez, Legal Assistant in the Commission's Division of Compliance and Enforcement, attesting that a copy of the amended petition was sent by certified mail, return receipt requested, to MABDD's addresses identified after a reasonable investigation and shows that notice was given to MABDD in accordance with Commission rules and the Administrative Procedure Act.<sup>1</sup> Commission Staff has also attached the affidavit of Ms. Ramirez and asserts that a copy of this motion was sent by certified mail, return receipt requested, to the same address. Commission Staff respectfully requests that this affidavit be admitted into evidence.

## **IV. CONCLUSION**

Commission Staff respectfully recommends that the Commission enter the attached Default Order.

Dated: May 20, 2022

Respectfully submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS DIVISION OF COMPLIANCE & ENFORCEMENT**

Barksdale English  
Division Director

/s/Van Moreland  
Van Moreland  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7163  
(512) 936-7268 (facsimile)  
van.moreland@puc.texas.gov

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<sup>1</sup> Administrative Procedure Act, Tex. Gov't Code Ann. §§ 2001.001-.902 (West 2008 & Supp. 2014).

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**CERTIFICATE OF SERVICE**

I certify that on May 20, 2022, a copy of this document was sent via certified mail, return receipt requested, to the Commission's last known address of MABDD in accordance with 16 TAC § 22.183(b).

/s/Van Moreland  
Van Moreland

**ATTACHMENT ONE**  
**AFFIDAVIT OF ROSE RAMIREZ**

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<b>PETITION TO REVOKE M.A.B.D.D.</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>INC.'S CERTIFICATE OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>UNDER TEX. WATER CODE § 13.254</b>	<b>§</b>	
<b>AND 16 TAC § 24.245</b>	<b>§</b>	

**AFFIDAVIT OF ROSE RAMIREZ**

STATE OF TEXAS           §  
TRAVIS COUNTY           §

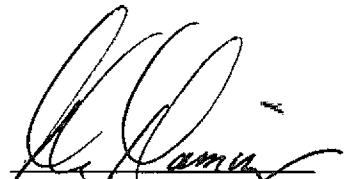
BEFORE ME, the undersigned authority, on this day personally appeared, Rose Ramirez, and being by me duly sworn, upon oath declared that the statements and capacity acted in are true and correct.

“My name is Rose Ramirez. I am the Legal Assistant in the Division of Compliance and Enforcement 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), on April 19, 2022, I mailed, by certified mail, a copy of Commission Staff's Amended Petition to Revoke M.A.B.D.D.'s Certificate of Convenience and Necessity and Notice of Opportunity for a Hearing, filed on April 19, 2022, to M.A.B.D.D.'s addresses found after a reasonable investigation.


“On May 20, 2022, I mailed by certified mail, a copy of Commission Staff's Second Motion for a Default Order filed on May 20, 2022, to M.A.B.D.D.'s addresses found after a reasonable investigation. Please see the attached tracking information for each item, a copy of the amended petition, and a copy of the Motion for Entry of a Default Order.

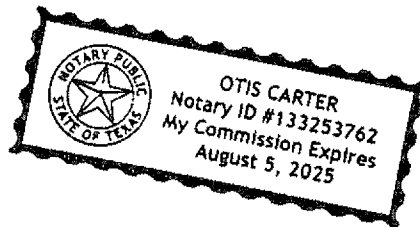
“M.A.B.D.D., Inc.  
2600 One American Center  
600 Congress  
Austin, TX 78701

“M.A.B.D.D., Inc.  
101 San Jacinto Blvd  
Austin, TX 78707-4025”

  
AFFIANT: Rose Ramirez

SWORN TO AND SUBSCRIBED BEFORE ME THIS 20 DAY OF MAY 2022.

  
Notary Public for the State of Texas





Atten: ROSE PUENTE

Public Utility Comm. of TX  
1701 N. Congress Ave.  
P O Box 13326  
Austin, Texas 78701

Check type of mail or service

- ☐ Adult Signature Required      ☐ Priority Mail Express  
☐ Adult Signature Restricted Delivery      ☐ Registered Mail  
☒ Certified Mail      ☐ Return Receipt for Merchandise  
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(for additional copies of this receipt).  
**Postmark with Date of Receipt.**

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	SCRD Fee	SH Fee
1.	7021 2720 0000 9785 5531	Lodge Acres Water System 9016 Mountain Lake C Austin, TX 78957													
2.	7021 2720 0000 9785 5548	Senna Hills Utility Company 600 Congress Ave. Ste. 1250 Austin, TX 78701-3234													
3.	7021 2720 0000 9785 5555	Keith J. Cunningham 1301 Capital of Texas Hwy South Ste. A-300 Austin, TX 78746													
4.	7021 2720 0000 9785 5524	MABDD, Inc. 2600 One American Center 600 Congress Austin, TX 78701													
5.	7021 2720 0000 9785 5562	MABDD, Inc. 101 San Jacinto Blvd Austin, TX 78707-4025													
6.															
7.															
8.															
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of receiving employee)												



**ATTACHMENT TWO**  
**PROPOSED DEFAULT ORDER**

**DOCKET NO. 53219**

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<b>§ 13.254 AND 16 TAC § 24.245</b>	<b>§</b>	

**PROPOSED DEFAULT ORDER**

This Default Order addresses the April 19, 2022 amended petition of Commission Staff to revoke the water certificate of convenience and necessity (CCN) of M.A.B.D.D Inc. (MABDD) for violations of the Texas Water Code (TWC) and Commission rules. The Commission grants the amended petition, by default, and revokes MABDD's CCN No. 12009.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Certificate of Convenience and Necessity**

1. On December 19, 1986, the Texas Water Commission granted water CCN number 12009 to MABDD.
2. Under CCN number 12009, MABDD is obligated to provide continuous and adequate water service to customers within the boundaries of the CCN's certificate service area in Travis County.

**Commission Staff's Amended Petition**

3. On April 19, 2022, Commission Staff filed its amended petition in this proceeding, in which it seeks to revoke MABDD's CCN number 12009 for failure to provide continuous and adequate water service.
4. The amended petition alleges that MABDD is no longer providing water utility service to customers, and that any facilities previously used to provide continuous and adequate water service are no longer active.

5. A Commission Staff review of records related to CCN number 12009 indicates MABDD is no longer providing water utility service to customers and any facilities used to provide continuous and adequate water service are no longer active.
6. MABDD does not provide and is not capable of providing continuous and adequate water service to customers in its certificated service area.

**Notice**

7. MABDD's addresses identified after reasonable investigation are:

M.A.B.D.D, Inc.  
2600 One American Center  
600 Congress  
Austin, TX 78701

M.A.B.D.D., Inc.  
101 San Jacinto Blvd.  
Austin, TX 78707-4025

8. On April 19, 2022, Commission Staff sent a copy of the amended petition by certified mail, return receipt requested, to MABDD's addresses identified above.
9. The amended petition notified MABDD of the legal authority and the Commission's jurisdiction over this matter, cited to particular sections of the statutes and rules involved, and provided a statement of the factual allegations, as provided under Texas Government Code § 2001.052(a).
10. The amended petition also notified MABDD that MABDD was entitled to request a hearing within 30 days after the filing of the amended petition, and included the following admonition in at least 12-point, bold-faced type, as provided by 16 Texas Administrative Code (TAC) § 22.183(b)(1):

**In accordance with 16 TAC § 22.183, Commission Staff hereby notifies MABDD that the factual allegations in this petition could be deemed admitted and the relief sought herein granted by default if MABDD fails to request a hearing within 30 days after service of this petition.**

**Evidentiary Record**

11. On May 20, 2022, Commission Staff filed a motion requesting the affidavit of Rose Ramirez be admitted into evidence.
12. In Order No. \_ filed on \_\_\_\_\_, the administrative law judge admitted the affidavit of Ms. Ramirez and supporting documents, attached to Commission Staff's Motion for Entry of a Default Order,

**Motion for Disposition by Default**

13. On May 20, 2022, Commission Staff filed a motion for entry of a default order.
14. On May 20, 2022, Commission Staff sent a copy of the motion for entry of a default order by certified mail, return receipt requested, to MABDD's addresses identified above.

**Grounds for Default**

15. More than 30 days have passed since service of the amended petition to MABDD.
16. MABDD did not request a hearing on the merits and did not respond to the amended petition.
17. More than 30 days have passed since service of the motion for entry of a default order.
18. MABDD did not respond to the motion for entry of a default order.

**II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over this petition under TWC § 13.254.
2. MABDD is a retail public utility under TWC § 13.002(19) and 16 TAC § 24.3(31).
3. Under TWC § 13.250(a) and 16 TAC § 24.247, MABDD, as the holder of CCN number 12009, is obligated to provide water service to every customer and applicant for service within its certificated area who requests water service and meets the terms of MABDD's water service policies, and such service must be continuous and adequate.
4. Because MABDD is no longer providing and is incapable of providing continuous and adequate service in its certificated service area, in violation of TWC § 13.250(a) and 16 TAC § 24.247, the Commission is entitled to revoke CCN number 12009 under TWC § 13.254(a)(1) and 16 TAC § 24.45(d)(1)(A).

5. Adequate notice was provided to MABDD in compliance with Texas Government Code §§ 2001.052 and 2001.054 and 16 TAC § 22.183.
6. MABDD 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 amended petition as true and admits those facts into evidence.
2. The Commission grants Commission Staff's motion for default order and revokes MABDD's CCN number 12009.
3. The Commission is not constrained in any manner from requiring additional action or penalties for violations that are not raised here.
4. 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 \_\_\_\_\_, 2022.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**PETER M. LAKE, CHAIRMAN**

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**WILL MCADMAS, COMMISSIONER**

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**LORI COBOS, COMMISSIONER**

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**JIMMY GLOTFELTY, COMMISSIONER**