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DOCKET NO. 53219

PETITION TO REVOKE M.A.B.D.D. INC.'S CERTIFICATE OF CONVENIENCE AND NECESSITY PURSUANT TO TEX. WATER CODE § 13.254 AND 16 TAC § 24.245	§ § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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COMMISSION STAFF'S RESPONSE TO ORDER NO. 6

On June 1, 2022, the administrative law judge (ALJ) filed Order No. 6, denying Commission Staff's second motion for entry of a default order against a water utility that voluntarily terminated its business license with the state of Texas in 1990 and that has no facilities able to provide continuous and adequate service to its certificated service area because Commission Staff "has not explained the investigation done to identify M.A.B.B.D.'s [sic] last known address."¹ Order No. 6 requires Commission Staff to file a clarification indicating the steps included in its investigation by June 8, 2022. This pleading is timely filed.

I. INVESTIGATION OF ADDRESSES

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 indicated that it investigated the records of the Texas secretary of state and the records of the Texas comptroller to discover any additional addresses to which notice of the amended petition and notice of the motion for entry of a default order should be served.² Additionally, Commission Staff included as an attachment to its amended petition the Texas comptroller record associated with MABDD, which was obtained.³ Commission Staff notes that, in previous proceedings involving the revocation by default order of a CCN, statements of Commission Staff indicating the location of an address has been found sufficient to demonstrate that Commission Staff's investigation was reasonable.⁴ Commission Staff requests that the

¹ Order No. 6 at 2 (June 1, 2022).

² Commission Staff's Amended Petition at 3 (Apr. 19, 2022).

³ *Id.* at Attachment 3.

⁴ See, e.g., *Petition to Revoke Cyndie Park Unit I Water's Certificate of Convenience and Necessity Pursuant to Texas Water Code § 13.254 and 16 Texas Administrative Code § 24.245*, Docket No 51269, Default Order (Jan 29, 2021); *Petition to Revoke the Town of Lakeview's Certificates of Convenience and Necessity Pursuant to Texas Water Code § 13.254 and 16 Texas Administrative Code § 24.245*, Docket No. 49181, Default Order (Sept. 12, 2019); *Petition to Revoke Long Island Utility District's Certificates of Convenience and Necessity Pursuant to Texas Water Code § 13.254 and 16 Texas Administrative Code § 24.245*, Docket No. 49180, Default Order (Sept. 12, 2019); and

administrative law judge provide citation to the procedural rule governing the standards of what constitutes a reasonable investigation should she determine that this explanation is insufficient to make a determination that Commission Staff's investigation was in fact reasonable.

II. 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 this Response to Order No. 6 was sent by certified mail, return receipt requested, to the same addresses to which Commission Staff's amended petition was served. Commission Staff requests that this affidavit be admitted into evidence.

III. MOTION FOR ENTRY OF DEFAULT ORDER

Commission Staff attached a proposed default order to its May 20, 2022 Motion for Entry of a Default Order. Commission Staff requests the Commission enter a default order to revoke MABDD's CCN No. 12009 consistent with the proposed order attached to its May 20, 2022 filing.

Dated: June 2, 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

ATTACHMENT ONE
AFFIDAVIT OF ROSE RAMIREZ

DOCKET NO. 53219

PETITION TO REVOKE M.A.B.D.D.
INC.'S CERTIFICATE OF
CONVENIENCE AND NECESSITY
UNDER TEX. WATER CODE § 13.254
AND 16 TAC § 24.245

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PUBLIC UTILITY COMMISSION

OF TEXAS

AFFIDAVIT OF ROSE RAMIREZ

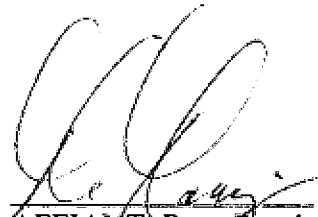
STATE OF TEXAS §
TRAVIS COUNTY §

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 June 2, 2022, I mailed by certified mail, a copy of Commission Staff's Response to Order No. 6 filed on June 2, 2022, to M.A.B.D.D.'s addresses found after a reasonable investigation. Please see the attached tracking information for each item.

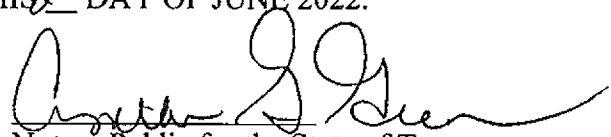
"M.A.B.D.D., Inc.
2600 One American Center
600 Congress
Austin, TX 78701

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


AFFIANT: Rose Ramirez

SWORN TO AND SUBSCRIBED BEFORE ME THIS ^{2nd} DAY OF JUNE 2022.




Notary Public for the State of Texas



4-19-22

Re: Amended Petition

Firm Mailing Book For Accountable Mail

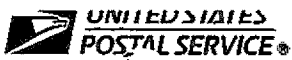
Name and Address of Sender		Check type of mail or service		Affix Stamp Here (for additional copies of this receipt). Postmark with Date of Receipt.												
Attn: ROSE PUENTE		<input type="checkbox"/> Adult Signature Required <input type="checkbox"/> Priority Mail Express														
Public Utility Comm. of TX		<input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail														
1701 N. Congress Ave		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Return Receipt for Merchandise														
P.O. Box 13326		<input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation														
Austin, Texas 78701		<input type="checkbox"/> Collect on Delivery (COD) <input type="checkbox"/> Signature Confirmation Restricted Delivery														
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	MABDO, Inc. 2600 One American Center 600 Congress Austin, TX 78701														
5.	7021 2720 0000 9785 5562	MABDO, 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)												

Total Number of Pieces Listed by Sender

5

Total Number of Pieces Received at Post Office

Postmaster, Per (Name of receiving employee)



5/20/22

Re: Motion for Entry of Judgment

Firm Mailing Book For Accountable Mail

Name and Address of Sender
Attention: ROSE RAMIREZPublic Utility Commission of Texas
1701 N. Congress Ave.
PO Box 13326
Austin, TX. 78701-1494

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.

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 0002 6230 5984	M.A.B.D.D., Inc. 2600 One American Center 600 Congress Austin, TX 78701													
2. 7021 2720 0002 6230 5991	M.A.B.D.D., Inc. 101 San Jacinto Blvd Austin, TX 78707-4025													
3.														
4.														
5.														
6.														
7.														
8.														
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of receiving employee)												



POSTAL SERVICE®

June 2, 2022

Re: Staff Request

Firm Mailing Book For Accountable Mail

Name and Address of Sender

Attention: ROSE RAMIREZ

Public Utility Commission of Texas
1701 N. Congress Ave.
PO Box 13326
Austin, TX. 78701-1494

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.

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 0002 6230 6073

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

2.

7021 2720 0002 6230 6066

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

3.

4.

5.

6.

7.

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Total Number of Pieces
Listed by Sender

Total Number of Pieces
Received at Post Office

Postmaster, Per (Name of receiving employee)