

Filing Receipt

Received - 2022-06-02 01:46:56 PM Control Number - 53219 ItemNumber - 13

DOCKET NO. 53219

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

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." 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

Docket No. 53219 Page 2 of 5

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

Petition to Revoke the Town of Marshall Creek's Certificates of Convenience and Necessity Pursuant to Texas Water Code § 13.254 and 16 Texas Administrative Code § 24.245, Docket No. 49121, Default Order (Sept. 12, 2019).

Docket No. 53219 Page 3 of 5

ATTACHMENT ONE AFFIDAVIT OF ROSE RAMIREZ

Docket No. 53219 Page 4 of 5

DOCKET NO. 53219

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

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 SUBCRIBED BEFORE ME THIS DAY OF JUNE 2022.

Notary Public for the State of Texas

POSTAL SERVICE . 4-19-	-22		lo- A	nean L	1 Petit	(F	Firm M:	ailine	s Boo	k Fo	r Ac	coun	table	Mai
Name and Address of Sender	Check type of mail or service	i	7-4-7- <i>[</i> -1.4	- LONGLE	<u> </u>				,		, , , , , ,			101CI
Atten: ROSE PUENTE	☐ Adult Signature Required ☐ Priority Mail Expr	ess												
The state of the s	☐ Adult Signature Restricted Delivery ☐ Registered Mail		Affix Starr	no Here										
Public Utility Comm of TX	Certified Mail	,	for addition	al copies d	of this receipt)									
1701 N. Congress Ave	☐ Certified Mail Restricted Delivery Merchandise		Postmark v	ith Date o	of Receipt.									
P O Box 13326	☐ Collect on Delivery (COD) ☐ Signature Confirm	nation												
Austin, Texas 78701	☐ Insured Mail ☐ Signature Confirm ☐ Priority Mail ☐ Restricted Delive													
USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™	Posta	ge (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.			¥10.000		1				-		-			~
7021 2720 DDDD 9785 SS31	Lodge Acres Water System		j	ĺ	\$				i		[
	9016 Mountain Lake C ———————————————————————————————————		•	1 (2)]		İ			Š			
Along the state of	TACAMATA TO THE TACAMATA TO TH		<u>.</u>	1 =	<u> </u>						<u> </u>			
2.	Senna Hitis Utility Company	_	i	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \				1						
021 2720 0000 9785 5548	600 Congress Ave. Ste 1250			.⊑		i i	i							
7.00 7.00 7.00	Austin, TX 78701-3234		İ	006]			į	ery	
3.		<u>.</u>	+					: 	<u> </u>					
	Keth J. Cunningham 1301 Capital of Texas Hwy South Ste. A 300			000					\ e			Î	Del	
021 2720 0000 978S 5555	Austra TX 78746	\rightarrow		υ ν	-			Ç	eliv			_		
		-1 m		>	ļ			ired	ات			lon	cted	
4.	MABDO inc			-	1 1			edil	e e	34	+-	_		<u> </u>
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	2600 Ong American Center 600 Congress		}	nd	Ĺ			Re	C	eliver	dia		estr	<u> </u>
	Austin, TX 78701			7					stricte	Del	eceipt	or firma	<u> </u>	2
				C.				Jr.e	_ O_		للبيث	ō	5	Special Handling
5.	MASDO Inc		į	<u></u>		, 1	j	Signat	EC C)	စ္	eturn	හ	±	îî.
	101 San Jacinto Blvd Aussin, TX 78707-4025	 !						ıĝį	ature	170	₽	=	٤	Ċ.
2021 2720 0000 9785 5562		; v. 17717		Roynsie	[e of	estricted	Re:	nature	nfirmati	Ġ.
6.				-=-	<u> </u>			<u> </u>	- 5:	-3-	•		マナ	တ
0.	er of the pro-me			_		. [Adu	Sig	•		Siç	ပ	
				7.				ا 🕶	dult]		Ī	=	
				₹.				!	ğ				atur	
7.												ŀ	_ 	
			Į.	ly (j				İ		S	
			l .		i	1]		. 4	Ì				
		_	<u> </u>	ciii			i]				
8.		 ∤		i Car		ľ	- 1	Ì		ľ		- 1	Ì	
			1	-1-						1		1		
			}		ļ		1		Annual Control	i		į	[
Total Number of Pieces Total Number of Pieces	Postmaster, Per (Name of receiving employee)	-							i		Į.			
Listed by Sender Received at Post Office														

POSTAL SERVICE . 5/20	/22	<u>-</u> - ,	Pai M	let i L	(Esta, s	^g a Sofaak	ارمرار	Firm M	ailing	j Boo	k Fo	ر الاستان	coun	ıtable	e Mai
Name and Ass 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 Adult Signature Restricted Delivery Certified Mail Certified Mail Restricted Delivery Collect on Delivery (COD) Insured Mail Priority Mail	☐ Priority Mail Express Pry ☐ Registered Mail ☐ Return Receipt for	Aff (for	ix Stam additiona stmark w	e ·	, "									
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., tnc. 2600 One American Center 600 Congress Austin, TX 78701		73	3 375	lue v							3	/		
2. 2021 2720 0002 6230 5991	M.A.B.D.D., Inc. 101 San Jacinto Blvd Austin, TX 78707-4025				ooo in val					,		V		very	
3.					ver \$50,				ired	Deliver	<i>+</i>		ion	cted Del	
4.					ed and d			:	ure Requ	estricted	Deliven	Receipt	onfirmat	on Restri	andling
5.					Register				Signat	nature Re	estricted	Return	nature d	nfirmatio	Special Handling
6.					arge - if				Adu	Adult Sign	Ú.		Sign	ature Ce	<u>,</u>
7. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2.					dling Ch		:					100.00		Sign	
8.					## ## ## ## ## ## ## ## ## ## ## ## ##										
Total Number of Pieces Listed by Sender Total Number of Rieces Received at Post/Office	Postmaster, Per (Name of rec														

PS Form **3877**, January 2017 (*Page 1 of 2*) PSN 7530-02-000-9098

Complete in Ink

Privacy Notice: For more information on USPS privacy policies, visit usps.com/privacypolicy.

POSTAL SERVICE # / Line	2. 2022	Kee Shot	Firm Mailing Book For Accountable Ma											
Name and Address of Sender	Check type of mail or service				Andra Co			. 1872						
Attention: ROSE RAMIREZ	☐ Adult Signature Required	☐ Priority Mail Express												
	☐ Adult Signature Restricted Delivery	☐ Registered Mail	Affix Stam											
	Certifled Mail	☐ Return Receipt for	(for additional	of copies o	of this receipt)	•								
DC) D 1223C	☐ Certified Mail Restricted Delivery	Merchandise	Postmark w	ith Date o	of Receipt.									
A	☐ Collect on Delivery (COD)	☐ Signature Confirmation												
	☐ Insured Mail ☐ Priority Mail	☐ Signature Confirmation Restricted Delivery												
USPS Tracking/Article Number	Addressee (Name, Street, City.	State, & ZIP Code™)	Postage (Extra Service)	Handling Charge	Actual Value if Registered		Due Sender if	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1.	M.A.B.D.D., Inc		ee		<u> </u>		COD		-	ļ <u> </u>	-			
	2600 One American Center			ļ										
7 <u>021</u> 2720 0002 6230 6073	600 Congress Austrn, TX 78701			ä	i									
2.			·	- ন্ট					 					
, 5250 0005 P530 P0PP	M.A.B.B.D., Inc.			iri v										
	101 San Jacinto Blvd Austin, TX 78707-4025			00			1		<u> </u>				very	
3.				0					1				- 	
				098		'			eliver					
	1			ver				ired	Del			ion	cted	
4,		· · · · · · · · · · · · · · · · · · ·		Ü				equi	9	- - -				<u> </u>
				and				Re	ict	eliver	eipt	FI	estr	Ξ
	· _ · _ ·			ed (ire	estricte	De	ပ်ခ	onfirma	ت ت	Handling
5.		· · · · · · · · · · · · · · · · · · ·		<u> </u>					12	9	<u>~</u>	\circ		<u> </u>
				is.]			Signat	6	ict	eturn	<u>ا</u>	nai	<u></u>
-				Register					ature	stricte	Ret	ature	nfirmati	Special
6.	• • • • • • • • • • • • • • • • • • • •			규.				=======================================	Sign	<u>a</u>		Sign	<u> </u>	<u>w</u>
								Adu			i	တ	၁၂	
-				arge					dult			Į	tr.	
7.							Į.		- « -				grat	
				O B		:					-		Sig	
				dling]					
8.				1.1	:					∤				
				<u> </u>			ŀ	ĺ		ļ				
ļ				ļ	!									ļ
Total Number of Pieces Listed by Sender Total Number of Pieces Received at Post Office	Postmaster, Per (Name of rec	eiving employee)											<u></u>	