



Filing Receipt

Received - 2022-05-19 11:46:29 AM
Control Number - 53219
ItemNumber - 9

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	§	

COMMISSION STAFF'S RESPONSE TO ORDER NO. 4

On February 14, 2022, the Staff (Commission Staff) of the Public Utility Commission of Texas (Commission) filed a petition to revoke M.A.B.D.D., Inc. (MABDD)'s water Certificate of Convenience and Necessity No. 12009 and notice of opportunity for a hearing. On April 1, 2022, Commission Staff filed a motion for entry of a default order revoking MABDD's CCN No. 12009.

On April 14, 2022, the administrative law judge (ALJ) filed Order No. 3, denying Commission Staff's motion for entry of a default order because "adequate proof of notice [had] not yet been shown."¹ On April 20, 2022, the ALJ filed Order No. 4 requiring Commission Staff to file a report regarding the status of this proceeding or a proposed default order. Therefore, this pleading is timely filed.

I. PROCEDURAL SCHEDULE

In order to address the ALJ's concerns with Commission Staff's original motion for entry of a default order filed on March 28, 2022, Commission Staff filed an amended petition and notice of opportunity for a hearing on April 19, 2022, which included an additional service address for MABDD and an explanation as to the investigation done to identify MABDD's last known addresses. Commission Staff provided a copy of the amended petition and notice of opportunity for a hearing by certified mail, return receipt requested, to the service addresses on April 19, 2022.² In Order No. 3, filed on April 14, 2022, the ALJ stated that, "Commission Staff is free to file a new motion for default if circumstances warrant it in the future."³ Commission Staff intends to file a new motion for entry of a default order if MABDD does not request a hearing within 30 days

¹ Order No. 3 at 2 (Apr. 14, 2022).

² See Attachment 1, Certified Mail Receipt Requested Confirmation.

³ Order No. 3 at 2.

after service of the notice of the amended petition and opportunity for a hearing in accordance with 16 TAC § 22.183(a).

In Order No. 4, filed on April 20, 2022, the ALJ gave Commission Staff a deadline of May 19, 2022 to file a proposed default order. In order to allow for passage of 30 days from service of the notice of Commission Staff's amended petition, Commission Staff respectfully requests that it be given a new deadline of May 20, 2022⁴ to file a new motion for entry of a default order.

II. CONCLUSION

For the reasons detailed above, Commission Staff respectfully requests that an order is filed establishing a deadline of May 20, 2022 for Commission Staff to file a new motion for entry of a default order.

Date: May 19, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS

**COMPLIANCE AND ENFORCEMENT
DIVISION**

Barksdale English
Division Director

/s/Van Moreland
Van Moreland
State Bar No. 24088087
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7163
(512) 936-7268 (facsimile)
van.moreland@puc.texas.gov

⁴ 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. Commission Staff served MABDD with the amended petition and notice of an opportunity for hearing on April 19, 2022. 30 days after April 19, 2022 is May 19, 2022.

PUC DOCKET NO. 53221

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 on May 19, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/Van Moreland
Van Moreland

ATTACHMENT 1



Name and Address of Sender

Atten: ROSE PUENTE

Public Utility Comm. of TX
1791 N. Congress Ave.
P O Box 13326
Austin, Texas 78701

Check type of mail or service

<input type="checkbox"/> Adult Signature Required	<input type="checkbox"/> Priority Mail Express
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Collect on Delivery (COD)	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> 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 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)											