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Executive Director

Public Utility Commission of Texas

TO: Stephen Journeay
Commission Counsel

All Parties of Record

FROM: Katie Moore Marx *KMM*
Administrative Law Judge

RE: **Docket No. 53222** – *Petition to Revoke T.P. Investments' Certificate of Convenience and Necessity Under Texas Water Code § 13.254 and 16 Texas Administrative Code § 24.245*

DATE: April 14, 2022

Enclosed is the Proposed Default Order in the above-referenced case. By copy of this memo, the parties to this proceeding are being served with the Proposed Default Order.

Please place this docket on an open meeting agenda for the Commissioners' consideration. Please notify me and the parties of the open meeting date. The parties must file corrections or exceptions to the Proposed Order by April 28, 2022.

If a party proposes a correction or exception, the party must fully explain the correction or exception and must provide a citation to the record to support the correction or exception.

If there are no corrections or exceptions, no response is necessary.

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DOCKET NO. 53222

PETITION TO REVOKE T.P.	§	PUBLIC UTILITY COMMISSION
INVESTMENTS' CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY	§	OF TEXAS
UNDER TEXAS WATER CODE § 13.254	§	
AND 16 TEXAS ADMINISTRATIVE	§	
CODE § 24.245	§	

PROPOSED DEFAULT ORDER

This Default Order addresses the February 14, 2022 petition of Commission Staff to revoke TP Investments' certificate of convenience and necessity (CCN) for violations of the Texas Water Code and Commission rules. The Commission grants the petition, by default, and revokes TP Investments' CCN number 12064.

I. Findings of Fact

The Commission makes the following findings of fact.

CCN Holder

1. TP Investments hold CCN number 12064.
2. Under CCN number 12064, TP Investments is obligated to provide continuous and adequate water service to customers within the boundaries of its certificated service area in Travis and Williamson counties.

Commission Staff's Petition

3. On February 14, 2022, Commission Staff filed its petition in this proceeding in which it seeks to revoke TP Investments' CCN number 12064 for failure to provide continuous and adequate water service.
4. The petition alleges that TP Investments is no longer providing, and is incapable of providing, continuous and adequate water service and, therefore, its CCN should be revoked.
5. On September 8, 1995, the Texas Natural Resource Conservation Commission issued CCN number 12064 to TP Investments.

6. On January 26, 2012, TP Investments' CCN number 12064 was amended by the Texas Commission on Environmental Quality.
7. A Commission Staff review of records related to CCN number 12064 indicates that TP Investments is no longer providing water utility service to customers and any facilities previously used to provide continuous and adequate water services are no longer active.
8. TP Investments does not provide and is not capable of providing continuous and adequate water service to customers in its certificated service area.

Notice

9. TP Investments' last known address in the Commission's records is:

T.P. Investments
2000 East Lamar, Suite 150
Arlington, TX 76006
10. On February 14, 2022, Commission Staff sent a copy of the petition, by certified mail, to TP Investments' address at 2000 East Lamar, Suite 150, Arlington, Texas 76006.
11. The petition notified TP Investments 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).
12. The petition also notified TP Investments that it was entitled to request a hearing within 30 days after the filing of the petition and included the following admonition in at least 12-point, bold-faced type:

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

Evidentiary Record

13. On April 1, 2022, Commission Staff filed a motion to admit evidence.
14. In Order No. 2 filed on April 11, 2022, the administrative law judge granted the motion admitted the following into evidence: (1) the affidavit of Ms. Puente and supporting documents, attached to Commission Staff's motion for entry of a default order filed on April 1, 2022.

Motion for Disposition by Default

15. On April 1, 2022, Commission Staff filed a motion for entry of a default order.
16. On April 1, 2022, Commission Staff sent a copy of the motion for default, by certified mail, to TP Investments' address at 2000 East Lamar, Suite 150, Arlington, Texas 76006.

Grounds for Default

17. More than 30 days have passed since service of the petition to TP Investments.
18. TP Investments did not request a hearing on the merits and did not respond to the petition.
19. More than 10 days have passed since service of the motion for default.
20. TP Investments did not respond to the motion for default.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over this petition under TWC § 13.254.
2. TP Investments is retail public utility under TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(31).
3. Under TWC § 13.250(a) and 16 TAC § 24.247, TP Investments, as the holder of CCN number 12064, 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 TP Investments' water service policies, and such service must be continuous and adequate.
4. Because TP Investments 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 12064 under TWC § 13.254(a)(1) and 16 TAC § 24.245(d)(1)(A).
5. Adequate notice was provided to TP Investments in compliance with Texas Government Code §§ 2001.052 and 2001.054 and 16 TAC § 22.183.
6. TP 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 restyles the docket as reflected in this Order.
2. The Commission deems the allegations in Commission Staff's petition as true.
3. The Commission takes official notice of its records that contain the last-known address of TP Investments.
4. The Commission grants Commission Staff's motion for default order and revokes TP Investments' CCN number 12064.
5. The Commission is not constrained in any manner from requiring additional action or penalties for violations that are not raised here.
6. 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

PETER M. LAKE, CHAIRMAN

WILL MCADAMS, COMMISSIONER

LORI COBOS, COMMISSIONER

JIMMY GLOTFELTY, COMMISSIONER

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