



Control Number: 53224



Item Number: 16

Peter M. Lake
Chairman

Will McAdams
Commissioner

Lori Cobos
Commissioner

Jimmy Glotfelty
Commissioner

Kathleen Jackson
Commissioner



RECEIVED
2023 JAN 10 AM 10: 54
PUBLIC UTILITY COMMISSION
FILING CLERK

Greg Abbott
Governor
Thomas J. Gleason
Executive Director

Public Utility Commission of Texas

TO: Chairman Peter M. Lake
Commissioner Will McAdams
Commissioner Lori Cobos
Commissioner Jimmy Glotfelty
Commissioner Kathleen Jackson

All Parties of Record

FROM: Stephen Journey, Commission Counsel

DATE: 10 January 2023

RE: January 26, 2023 Open Meeting – Item No. XX
Docket No. 53224 – *Petition to Revoke Horseshoe Lake Property Owners Association's Certificate of Convenience and Necessity Pursuant to Tex. Water Code § 13.254 and 16 TAC § 24.245*

A proposed order in the above-referenced docket is posted for consideration and action by the Commission. If the Commission approves the revised proposed order, I recommend the following changes

Proposed finding of fact 2 should be deleted because it is duplicative of and replaced by proposed finding of fact 6. Subsequent proposed findings of fact should be renumbered. Proposed finding of fact 11 should be modified for accuracy and relocated to follow new findings of fact 11 through 13 that are added for completeness. Subsequent findings of fact after new proposed finding of fact 13 should be renumbered.

2. ~~Horseshoe Lake holds CCN number 12601.~~

11. On April 18~~21~~, 2022, Commission Staff sent a copy of the petition filed on February 14, 2022 by certified mail, return receipt requested, to the three Horseshoe Lake's addresses identified above.

11. On April 1, 2022, Commission Staff filed a motion for entry of a default order revoking Horseshoe Lake's CCN.

16

- 12. In Order No. 2 filed on April 5, 2022, the administrative law judge (ALJ) requested clarification from Commission Staff on a potential discrepancy between the last known address of Horseshoes Lake in the Commission’s records and the address in the CCN attached to Commission Staff’s April 1, 2022 motion for entry of a default order, and the address to which Commission Staff provided notice of this proceeding.
- 13. The ALJ denied the April 1, 2022 motion for entry of a default order in Order No. 4 filed on June 14, 2022.

Furthermore, proposed conclusion of law 5 should be modified for completeness.

- 5. Adequate notice was provided to Horseshoe Lake in compliance with Texas Government Code §§ 2001.052 and 2001.054 and 16 TAC §§ 22.54 and 22.183(b)(2).

Additionally, the Commission should delegate to the Office of Policy and Docket Management the authority to modify the order to conform to the Citation and Style Guide for the Public Utility Commission of Texas and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

q:\cadm\memos\journey's open meeting memos\2023-01-26 open meeting\53224 commission counsel memo.docx