



## Filing Receipt

**Received - 2022-04-18 12:40:39 PM**

**Control Number - 53224**

**ItemNumber - 7**

**DOCKET NO. 53224**

<b>PETITION TO REVOKE HORSESHOE LAKE PROPERTY OWNERS ASSOCIATION'S CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PURSUANT TO TEX. WATER CODE § 13.254 AND 16 TAC § 24.245</b>	<b>§ § § § § § §</b>	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**COMMISSION STAFF'S RESPONSE TO ORDER NO. 2**

On April 1, 2022, Commission Staff filed a motion for entry of a default order to revoke the certificate of convenience and necessity of Jesse Grady dba Horseshoe Lake Property Owners Association (Horseshoe Lake POA). On April 5, 2022, the administrative law judge issued Order No. 2, requesting clarification regarding the address Commission Staff used to provide notice of both the petition to revoke and the motion for entry of a default order, and requiring Commission Staff to file a response by April 15, 2022. However, the Public Utility Commission of Texas is closed on April 15, 2022. According to 16 Texas Administrative Code (TAC) § 22.4(a), a deadline that falls on a day the Commission is not open for business must be extended to the next day on which the Commission is open for business. The Commission is next open for business on April 18, 2022; therefore, this pleading is timely filed.

**I. RESPONSE TO REQUEST FOR CLARIFICATION**

Order No. 2 requires Commission Staff, first, to identify the source of the address listed in the Commission's records and, second, to clarify whether the address listed in the CCN is the same as the address to which notice was sent. Commission Staff delivered both the petition to revoke Horseshoe Lake POA's CCN and the motion for entry of a default order to:

Mr. Jesse Grady  
PO Box 8014  
Smithville, TX 78957

In response to the ALJ's first question, the source of the address listed in the Commission's records and stated within Commission Staff's petition is the Commission's water utility database associated with CCN No. 12601.<sup>1</sup>

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<sup>1</sup> See Attachment 1.

In response to the ALJ's second question, the address listed in Horseshoe Lake POA's CCN No. 12601 is not the same as the address to which notice was sent.

Because Horseshoe Lake POA's CCN was granted by the Texas Water Commission, Commission Staff searched the Texas secretary of state records for the address of the utility's registered agent for process, in accordance with 16 TAC § 22.183(b)(2). Commission Staff's investigation revealed two unrelated entities with the name of "Horseshoe Lake Property Owners Association." One, Horseshoe Lake Property Owners Association, Inc., appears to have been related to a property owners association located near a lake called "Horseshoe Lake" located in the immediate vicinity of the Romayor, Texas, which is about 150 miles from the area in Bastrop County that CCN No. 12601 certifies. That entity forfeited existence as of February 13, 2004.<sup>2</sup> The second listed entity, Horseshoe Lake Property Owners Association, was formed March 2, 2020 for the purpose of "govern[ing] horseshoe lake subdivision in Walker County, Texas."<sup>3</sup> Because CCN No. 12601 certifies an area in Bastrop County, roughly 100 miles away from Walker County, it would appear that this second listed entity is unrelated to the entity that holds CCN No. 12601. Staff's investigation of the Texas secretary of state's records did not uncover any entity or business registration related to Jesse Grady.

Finally, Commission Staff also investigated the records of the Texas Commission on Environmental Quality. Horseshoe Lake POA is associated with public water system Horseshoe Lake Water System (PWS ID No. TX0110042), which was inactivated by TCEQ on February 27, 2002.<sup>4</sup> No address is on file in TCEQ's records for this water system. However, the water system is affiliated with El Camino Bay Property Owners Association.<sup>5</sup> Further investigation of El Camino Bay POA revealed an address for a different water system located in Sabine County,<sup>6</sup> which is over 250 miles away from Bastrop County.

To demonstrate robust compliance with 16 TAC § 22.183, Commission Staff will send notice to the address listed on CCN No. 12601 granted by the Texas Water Commission on

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<sup>2</sup> See Attachment 2.

<sup>3</sup> See Attachment 3 at p. 7.

<sup>4</sup> See Attachment 4.

<sup>5</sup> See Attachment 5.

<sup>6</sup> See Attachment 6.

September 30, 1991 and to the address associated with El Camino Bay Water System that appears affiliated with Horseshoe Lake Water System in TCEQ's records. Commission Staff will file a separate certificate of service once notice has been provided to these additional addresses.

Date: April 18, 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

**DOCKET NO. 53224**

**CERTIFICATE OF SERVICE**

I certify that on April 18, 2022, a copy of this document was sent via certified mail, return receipt requested, to the Commission's last known address of Horseshoe Lake POA in accordance with 16 TAC § 22.183(b).

/s/Van Moreland \_\_\_\_\_  
Van Moreland

# **ATTACHMENT 1**

# Public Utility Commission of Texas

 [Back](#)       [New Search \(/WaterSearch/\)](#)

## Water Utility Details for JESSE GRADY

### Site Details

#### Properties

<b>Name</b>	JESSE GRADY
<b>CCN/Regnum</b>	12601
<b>Utility Type</b>	WATER UTILITY
<b>Ownership Type</b>	INVESTOR
<b>Primary County</b>	BASTROP
<b>AIS Number</b>	

#### Official Address

PO BOX 8014  
SMITHVILLE TX 78957

#### Responsible Party

##### Organization Name

##### Individual

MR JESSE GRADY

##### Address

None Found

# Activity Public Utility Commission of Texas

Activity Status

Start Date

INACTIVE

## Affiliates

Organization Name

Individual Name

Role

MR JESSE GRADY

RESPONSIBLE PARTY

## Counties

Name

Primary

BASTROP



## **ATTACHMENT 2**





**Forfeiture pursuant to Section 171.309 of the Texas Tax Code  
of  
HORSESHOE LAKE PROPERTY OWNERS ASSOCIATION,  
INC.**

File Number : 41195801

Certificate / Charter forfeited : February 13, 2004

The Secretary of State hereby determines and finds the following:

1. The Secretary of State received certification from the Comptroller of Public Accounts under Section 171.302 of the Texas Tax Code that there are grounds for forfeiture of the charter or certificate of authority of the referenced entity.
2. That the entity has not revived its forfeited corporate privileges within 120 days after the date that the corporation privileges were forfeited.
3. The Comptroller of Public Accounts has determined that the entity does not have assets from which a judgment for any tax, penalty, or court costs imposed under Chapter 171 of the Code may be satisfied.

It is therefore ordered that charter or certificate of authority of the referenced entity be forfeited without judicial ascertainment and that the proper entry be made upon the permanent files and records of such entity to show such forfeiture as of the date hereof.



A handwritten signature in black ink, appearing to read "G. Connor".

Geoffrey S. Connor  
Secretary of State

## **ATTACHMENT 3**

**Form 202**  
**(Revised 05/11)**

Submit in duplicate to:  
Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
512 463-5555  
FAX: 512/463-5709  
Filing Fee: \$25



**Certificate of Formation**  
**Nonprofit Corporation**

This space reserved for office use.

**FILED**  
In the Office of the  
Secretary of State of Texas

**MAR 02 2020**

**Corporations Section**

**Article 1 – Entity Name and Type**

The filing entity being formed is a nonprofit corporation. The name of the entity is:

Horseshoe Lake Property Owners Association

**Article 2 – Registered Agent and Registered Office**

(See instructions. Select and complete either A or B and complete C.)

A. The initial registered agent is an organization (cannot be entity named above) by the name of:

OR

B. The initial registered agent is an individual resident of the state whose name is set forth below:

Monte	W	Robinson	
<i>First Name</i>	<i>M.I.</i>	<i>Last Name</i>	<i>Suffix</i>

C. The business address of the registered agent and the registered office address is:

3750 Spring Dr.	Huntsville	TX	77340
<i>Street Address</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

**Article 3 – Management**

The management of the affairs of the corporation is vested in the board of directors. The number of directors constituting the initial board of directors and the names and addresses of the persons who are to serve as directors until the first annual meeting of members or until their successors are elected and qualified are as follows:

*A minimum of three directors is required.*

<b>Director 1</b>				
Monte Robinson	W	Robinson		
<i>First Name</i>	<i>M.I.</i>	<i>Last Name</i>	<i>Suffix</i>	
3750 Spring Dr.	Huntsville	TX	77340	USA
<i>Street or Mailing Address</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>

**RECEIVED**

**MAR 02 2020**

**Secretary of State**

<b>Director 2</b>				
<b>James</b>	<b>K</b>	<b>Webb</b>		
<i>First Name</i>	<i>M.I.</i>	<i>Last Name</i>	<i>Suffix</i>	
<b>26 Horseshoe Lake Dr. East</b>	<b>Huntsville</b>	<b>TX</b>	<b>77320</b>	<b>USA</b>
<i>Street or Mailing Address</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>

<b>Director 3</b>				
<b>Debra</b>	<b>L</b>	<b>Robinson</b>		
<i>First Name</i>	<i>M.I.</i>	<i>Last Name</i>	<i>Suffix</i>	
<b>3750 Spring Dr.</b>	<b>Huntsville</b>	<b>TX</b>	<b>77340</b>	<b>USA</b>
<i>Street or Mailing Address</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>

**OR**

The management of the affairs of the corporation is to be vested in the nonprofit corporation's members.

**Article 4 – Membership**

(See instructions. Do not select statement B if the corporation is to be managed by its members.)

A. The nonprofit corporation shall have members.

B. The nonprofit corporation will have no members.

**Article 5 – Purpose**

(See instructions. This form does not contain language needed to obtain a tax-exempt status on the state or federal level.)

The nonprofit corporation is organized for the following purpose or purposes:

Govern Horseshoe Lake Subdivision in Walker County, Texas. Including, but not limited to, maintaining the lakes, dams, private roads, boat launches, front sign area, common areas, parks, and subdivision drainage infrastructure.

The following text area may be used to include any additional language or provisions that may be needed to obtain tax-exempt status.

**Supplemental Provisions/Information**

(See instructions.)

Text Area: [The attached addendum, if any, is incorporated herein by reference.]

[Empty box for supplemental provisions]

**Organizer**

The name and address of the organizer:

Monte Robinson

Name

3750 Spring Dr.

Street or Mailing Address

Huntsville

City

TX

State

77340

Zip Code

**Effectiveness of Filing** (Select either A, B, or C.)

A.  This document becomes effective when the document is filed by the secretary of state.

B.  This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: \_\_\_\_\_

C.  This document takes effect upon the occurrence of a future event or fact, other than the passage of time. The 90<sup>th</sup> day after the date of signing is: \_\_\_\_\_

The following event or fact will cause the document to take effect in the manner described below:

[Empty box for event or fact]

**Execution**

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized to execute the filing instrument.

Date: 02/29/2020



Signature of organizer

Monte Robinson

Printed or typed name of organizer

## **ATTACHMENT 4**

<b>Texas Commission on Environmental Quality</b>	<b>Office of Water</b>	<b>Public Drinking Water Section</b>
<b>County Map of TX</b>	<b>Water System Search</b>	<b>Office of Compliance and Enforcement</b>

04/14/2022

Texas Commission on Environmental Quality

04:04:41

DWW Water System Summary Sheet

PWS ID	PWS Name	Central Registry RN
TX0110042	HORSESHOE LAKE WATER SYSTEM	RN101178499

Organization/Customer *	Central Registry CN
null	null

\*Regulatory mail will be addressed to this organization/person

<b>All Water System Contacts</b>		
<b>Type</b>	<b>Contact</b>	<b>Communication</b>

Operator Grade	Number
----------------	--------

<b>Water Operator Licenses</b>
No Licensing Data for this PWS

Owner Type	Owner Type Options: COUNTY, DISTRICT, FEDERAL GOVERNMENT, INVESTOR OWNED, MUNICIPALITY, NATIVE AMERICAN, PRIVATE, STATE GOVERNMENT, WATER SUPPLY CORPORATION
Water Supply Corporation	

System Type	System Type Options: COMMUNITY, TRANSIENT/NON-COMMUNITY, NON-PUBLIC, NON-TRANSIENT/NON-COMMUNITY
NP - NON-PUBLIC	

Population Type	Population Served	# of Connect	# I/C w/other PWS
Residential	16	7	0

Total Product (MGD)	Average Daily Consump. (MGD)	Max Daily Demand (MGD)	Total Storage (MG)	Elev. Storage (MG)	Service Pump Cap.	Max. Purchase Cap. (MGD/GPM)	Pressure Tank Cap. (MG)

Activity Status	Inactivation Date
I - INACTIVE	02/27/2002

Last Survey Date	Surveyor	Survey Type	Region	County
No Site Visit Data				

(Treatment Plant)							
Entry Point	EP Name/Source Summation (Activity Status)	Plant Name (Activity Status)	Plant Num	Chemical Mon Type	Chem Sample Point	Distribution Mon Type	Dist Sample Point
EP001	TRT-TAP / Ground Water(I)	PLANT(I)	TP467		NO		NO

Train:		Unnamed					
(Treatments)							
Disinfection Zone	Treatment Sequence	Objective	Process	Treatment			
null	null	D	403	GASEOUS CHLORINATION, PRE			

(Active Sources)

(Inactive/Offline Sources)			
SourceNumber	Name	Status	Depth
G0110042A	1	O	500

Code Explanations
Monitoring Type Codes: (GW) GROUNDWATER , (GUP) GROUNDWATER UNDER THE INFLUENCE - PURCHASED , (SWP) SURFACE WATER - PURCHASED , (GU) GROUNDWATER UNDER THE INFLUENCE OF SURFACE WATER , (N) NO SOURCES , (SW) SURFACE WATER
Activity Status Codes: (A) ACTIVE , (D) DELETED/DISSOLVED , (I) INACTIVE , (P) PROPOSED ,



Operational Status Codes: (E) EMERGENCY , (I) INTERIM/PEAK (O) OTHER , (P) PERMANENT , (S) SEASONAL

Source Types: (G) GROUND WATER , (S) SURFACE WATER , (U) GROUND WATER UNDER THE INFLUENCE

- End of Report -

At the time of your query this data was the most current information available from our database, which is in real time. Every effort was made to retrieve it according to your query. Thank-you for using DWW.

## **ATTACHMENT 5**

## Central Registry Query - Regulated Entity Information

### Regulated Entity Information

**RN Number:** RN101178499

**Name:** HORSESHOE LAKE WATER SYSTEM

**Primary Business:** No primary business description on file.

**Street Address:** No street address on file.

**County:** BASTROP

**Nearest City:** No near city on file.

**State:** TX

**Near ZIP Code:** No near zip code on file.

**Physical Location:** No physical location description ON file.


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### Affiliated Customers - Current

Your Search Returned **1** Current Affiliation Records ( [View Affiliation History ...](#) )

*The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.*

#### 1-1 of 1 Records

CN Number	Customer Name	Customer Role(s)	Details
CN600626329	EL CAMINO BAY PROPERTY OWNERS ASSOCIATION	RESPONSIBLE PARTY	

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### Industry Type Codes

Code	Classification	Name
No NAICS or SIC Codes on file.		

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### Permits, Registrations, or Other Authorizations

There is **1** program and ID for this regulated entity.

#### 1-1 of 1 Records

Program	ID Type	ID Number	ID Status
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0110042	CANCELLED

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## **ATTACHMENT 6**

## Central Registry Query - Customer Information

### Customer Information

**CN Number:** CN600626329

**Last Update Date:** 06/12/2016

**Name:** EL CAMINO BAY PROPERTY OWNERS ASSOCIATION [View Prior Names ...](#)

**Legal Name:** El Camino Bay Property Owners Association





**Customer Type:** CORPORATION

*The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.*

### Affiliated Regulated Entities - Current

Your Search Returned **4** Current Affiliation Records ([View Affiliation History ...](#))

#### 1-4 of 4 Records

RN Number	Regulated Entity Name ▲	County	Location	Role	Details
RN101273183	CLEAR WATER WOODS SUBDIVISION	LIBERTY	No location on file.	RESPONSIBLE PARTY	
RN101199560	EL CAMINO BAY WATER SYSTEM	SABINE	118 LAKEVIEW DR HEMPHILL TX 75948 9408	RESPONSIBLE PARTY	
RN101178499	HORSESHOE LAKE WATER SYSTEM	BASTROP	No location on file.	RESPONSIBLE PARTY	
RN109254680	WSC 12996	SABINE	NO LOCATION ON FILE	BUYER	

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