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DOCKET NO. 53225

PETITION TO REVOKE LODGE	§	PUBLIC UTILITY COMMISSION
ACRES WATER SYSTEM	§	
CERTIFICATE OF PUBLIC	§	OF TEXAS
CONVENIENCE AND NECESSITY	§	
PURSUANT TO TEX. WATER CODE	§	
§ 13.254 AND 16 TAC § 24.245	§	
	§	

COMMISSION STAFF'S RESPONSE TO ORDER NO. 5

On February 14, 2022, the Staff (Commission Staff) of the Public Utility Commission of Texas (Commission) filed a petition to revoke Lodge Acres Water System's (Lodge Acres) water Certificate of Convenience and Necessity (CCN) No. 11070 and notice of opportunity for a hearing. On April 19, 2022, Commission Staff filed an amended petition to revoke Lodge Acres' CCN No. 11070 and notice of opportunity for a hearing. On May 20, 2022, Commission Staff filed a second motion for entry of a default order revoking Lodge Acres' CCN No. 11070.

On June 16, 2022, the administrative law judge (ALJ) filed Order No. 5, denying Commission Staff's second motion for entry of a default order because "adequate proof of notice [had] not yet been shown."¹ The ALJ also established a deadline of June 30, 2022 for the parties to file a proposed procedural schedule for further processing of this matter. Therefore, this pleading is timely filed.

I. PROCEDURAL SCHEDULE

In order to address the ALJ's concerns with Commission Staff's second motion for entry of a default order filed on May 20, 2022, Commission Staff filed a second amended petition and notice of opportunity for a hearing with the updated service address, as specified by the ALJ, for Lodge Acres on June 30, 2022. Commission Staff provided a copy of the second amended petition and notice of opportunity for a hearing by certified mail, return receipt requested, to the updated address on June 30, 2022.² In Order No. 5, filed on June 16, 2022, the ALJ stated that, "Commission Staff is free to file a new motion for default if circumstances warrant it in the

¹ Order No. 5 at 2 (June 16, 2022).

² See Attachment 1, Certified Mail Receipt Requested Confirmation.

future.”³ Commission Staff intends to file a new motion for entry of a default order if Lodge Acres does not request a hearing within 30 days after service of the notice of the second amended petition and opportunity for a hearing in accordance with 16 TAC § 22.183(a). Accordingly, Commission Staff respectfully requests that it be given a new deadline of August 1, 2022⁴ to either file a proposed procedural schedule for further processing of this matter or 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 August 1, 2022 for Commission Staff to either file a proposed procedural schedule for further processing of this matter or file a new motion for entry of a default order.

Date: June 30, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS

**COMPLIANCE AND ENFORCEMENT
DIVISION**

Barksdale English
Division Director

/s/Van Moreland
Van Moreland
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³ Order No. 5 at 2.

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 Lodge Acres with the second amended petition and notice of an opportunity for hearing on June 30, 2022. 30 days after June 30, 2022 is July 30, 2022, which is a Saturday. August 1, 2022 is the Monday following July 30, 2022.

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CERTIFICATE OF SERVICE

I certify that on June 30, 2022, a copy of this document was sent via certified mail, return receipt requested, to the Commission's last known address of Lodge Acres in accordance with 16 TAC § 22.183(b).

/s/Van Moreland
Van Moreland

ATTACHMENT 1

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6/30/22

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Addressee (Name, Street, City, State, & ZIP Code™)

Lodge Acres Water System
9016 Mountain Lake C
Austin, TX 78750

Postmaster, Per (Name of receiving employee)

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(for additional copies of this receipt).
Postmark with Date of Receipt.

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