



Control Number: 53225



Item Number: 22

Peter M. Lake
Chairman

Will McAdams
Commissioner

Lori Cobos
Commissioner

Jimmy Glotfelty
Commissioner

Kathleen Jackson
Commissioner



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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: 11 January 2023

RE: January 26, 2023 Open Meeting – Item No. XX

Docket No. 53225 – *Petition to Revoke Lodge Acres Water System's Certificate of Public 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

New findings of fact 3, 7 through 17, and 19 should be added for completeness. Proposed finding of fact 4 is revised for accuracy. Proposed findings of fact 3 and 7 should be modified for accuracy and relocated to follow new finding of fact 17. Subsequent findings of fact should be renumbered.

3. On June 30, 2022, Commission Staff filed its second amended petition in this proceeding, ~~in which it seeks to revoke Lodge Acres' CCN number 11070 for failure to provide continuous and adequate water service.~~
3. On February 14, 2022, Commission Staff filed its petition in this proceeding, in which it seeks to revoke Lodge Acres' CCN number 11070 for failure to provide continuous and adequate water service.

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4. The ~~second amended~~ petition alleges that Lodge Acres is no longer providing, and is incapable of providing, continuous and adequate water service and, therefore, its CCN should be revoked.
7. Commission Staff identified Lodge Acres' last known address in the Commission's records is as follows:

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

7. Commission Staff identified Lodge Acres' last known address in the Commission's records as follows: 9016 Mountain Lake C, PO Box 8014, Smithville, Texas 78957.
8. On February 14, 2022, Commission Staff sent a copy of the petition and notice of opportunity for a hearing to Lodge Acres' address listed above by certified mail.
9. On April 1, 2022, Commission Staff filed a motion for entry of a default order revoking Lodge Acres' CCN.
10. In Order No. 1 filed on April 7, 2022, the administrative law judge (ALJ) noted a discrepancy between the address to which the petition was sent and the last known address for Lodge Acres in the Commission records, which is 9016 Mountain Lake C, Austin, Texas 78750.
11. The ALJ denied the April 1, 2022 motion for a default order because adequate proof of notice was not yet shown.
12. On April 19, 2022, Commission Staff filed its first amended petition in this proceeding.
13. Commission Staff identified Lodge Acres' last known address in Commission's records as follows:

Lodge Acres Water System
9016 Mountain Lake C
Austin, TX 78957
14. On May 6, 2022, Commission Staff sent a copy of the petition and notice of opportunity for a hearing to Lodge Acres' address identified in the first amended petition by certified mail.
15. On May 20, 2022, Commission Staff filed a motion for entry of a default order revoking Lodge Acres' CCN.

16. In Order No. 5 filed on June 16, 2022, the ALJ noted a discrepancy between the address to which the petition was sent and the last known address for Lodge Acres in the Commission records, which is 9016 Mountain Lake C, Austin, Texas 78750.
17. The ALJ denied the May 20, 2022 motion for a default order because adequate proof of notice was not yet shown.
19. Commission Staff identified Lodge Acres' last known address in Commission's records as follows:

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

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

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

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.

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