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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. 1

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 No. 11070 and notice of opportunity for a hearing. On April 1, 2022, Commission Staff filed a motion for entry of a default order revoking Lodge Acres' CCN No. 11070.

On April 7, 2022, the administrative law judge (ALJ) filed Order No. 1, denying Commission Staff's 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 May 6, 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 original motion for entry of a default order filed on April 1, 2022, Commission Staff filed an amended petition and notice of opportunity for a hearing with the updated service address, as specified by the ALJ, for Lodge Acres on April 19, 2022. Commission Staff provided a copy of the amended petition and notice of opportunity for a hearing by certified mail, return receipt requested, to the updated address on April 19, 2022.² In Order No. 1, filed on April 7, 2022, the ALJ stated that, "Commission Staff is free to file a new motion for default if circumstances warrant it in the future."³ Commission Staff

¹ Order No. 1 at 2 (Apr. 7, 2022).

² See Attachment 1, Certified Mail Receipt Requested Confirmation.

³ Order No. 1 at 2.

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 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 May 20, 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 May 20, 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: May 6, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS

**COMPLIANCE AND ENFORCEMENT
DIVISION**

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/s/Van Moreland
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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 amended petition and notice of an opportunity for hearing on April 19, 2022. 30 days after April 19, 2022 is May 18, 2022.

ATTACHMENT 1



Name and Address of Sender Atten: ROSE PUENTE Public Utility Comm. of TX 1701 N. Congress Ave. P O Box 13326 Austin, Texas 78701	Check type of mail or service <input type="checkbox"/> Adult Signature Required <input type="checkbox"/> Priority Mail Express <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Collect on Delivery (COD) <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Priority Mail	Affix Stamp Here <i>(for additional copies of this receipt).</i> Postmark with Date of Receipt.
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