

# Filing Receipt

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### **DOCKET NO. 53225**

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

### **PUBLIC UTILITY COMMISSION**

**OF TEXAS** 

#### **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."<sup>1</sup> 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.<sup>2</sup> 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."<sup>3</sup> Commission Staff

<sup>&</sup>lt;sup>1</sup> Order No. 1 at 2 (Apr. 7, 2022).

<sup>&</sup>lt;sup>2</sup> See Attachment 1, Certified Mail Receipt Requested Confirmation.

<sup>&</sup>lt;sup>3</sup> 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, 2022<sup>4</sup> 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

Barksdale English Division Director

<u>/s/Van Moreland</u> 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

<sup>&</sup>lt;sup>4</sup> 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**

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