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Public Utility Commission of Texas

TO: Stephen Journeay
Commission Counsel

All Parties of Record

FROM: Greg Siemankowski
Administrative Law Judge

A handwritten signature in dark ink, appearing to be "G. Siemankowski".

RE: **Docket No. 53324** – *Petition to Revoke M.A.B.D.D. Inc.'s Certificate of Public Convenience and Necessity Pursuant to Tex. Water Code §13.254 and 16 TAC § 24.245*

DATE: August 3rd, 2022

Enclosed is a Proposed Default Order in the above-referenced case. By copy of this memo, the parties to this proceeding are being served with the Proposed Default Order.

Please place this docket on an open meeting agenda for the Commissioners' consideration. Please notify me and the parties of the open meeting date. The parties must file corrections or exceptions to the Proposed Order by August 15, 2022.

If a party proposes a correction or exception, the party must fully explain the correction or exception and must provide a citation to the record to support the correction or exception.

If there are no corrections or exceptions, no response is necessary.

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DOCKET NO. 53324

PETITION TO REVOKE M.A.B.D.D,	§	PUBLIC UTILITY COMMISSION
INC.'S CERTIFICATE OF PUBLIC	§	
CONVENIENCE AND NECESSITY	§	OF TEXAS
UNDER TEXAS WATER CODE	§	
§ 13.254 AND 16 TAC § 24.245	§	

PROPOSED DEFAULT ORDER

This Default Order addresses the June 3, 2022 amended petition of Commission Staff to revoke the sewer certificate of convenience and necessity (CCN) of M.A.B.D.D. Inc. for violations of the Texas Water Code (TWC) and Commission rules. The Commission grants the amended petition, by default, and revokes M.A.B.D.D.'s CCN number 20661.

I. Findings of Fact

The Commission makes the following findings of fact.

CCN Holder

1. M.A.B.D.D. is a voluntarily-terminated Texas corporation, which was registered with the Texas secretary of state under filing number 75513600.
2. M.A.B.D.D. holds sewer CCN number 20661.
3. Under CCN number 20661, M.A.B.D.D. is obligated to provide continuous and adequate sewer service to customers within the boundaries of its certificated service area in Travis County.

Commission Staff's Amended Petition

4. On June 3, 2022, Commission Staff filed its amended petition in this proceeding, in which it seeks to revoke M.A.B.D.D.'s CCN number 20661 for failure to provide continuous and adequate sewer service.
5. The amended petition alleges that M.A.B.D.D. is no longer providing and is incapable of providing continuous and adequate sewer service and, therefore, its CCN should be revoked.

6. A Commission Staff review of records related to CCN number 20661 indicates M.A.B.D.D. is no longer providing sewer utility service to customers and any facilities previously used to provide continuous and adequate sewer service are no longer active.
7. M.A.B.D.D. does not provide and is not capable of providing continuous and adequate sewer service to customers in its certificated service area.

Notice

8. Commission Staff determined, after conducting a reasonable investigation of the Texas secretary of state database and the Texas comptroller records, that M.A.B.D.D. has two associated addresses, as follows:

M.A.B.D.D. Inc.
2600 One American Center
600 Congress
Austin, TX 78701

101 San Jacinto Blvd
Austin, TX 78707

9. On June 3, 2022, Commission Staff sent a copy of the amended petition and notice of opportunity for a hearing, by certified mail to M.A.B.D.D.'s addresses at 2600 One American Center, 600 Congress, Austin, Texas 78701 and 101 San Jacinto Blvd., Austin, Texas 78707-4025.
10. The amended petition notified M.A.B.D.D. of the legal authority and the Commission's jurisdiction over this matter, cited to particular sections of the statutes and rules involved, and provided a statement of the factual allegations, as provided under Texas Government Code § 2001.052(a).
11. The amended petition also notified M.A.B.D.D. that it was entitled to request a hearing within 30 days after the filing of the petition and included the following admonition in at least 12-point, bold-faced type:

In accordance with 16 TAC § 22.183, Commission Staff hereby notifies M.A.B.D.D. that the factual allegations in this petition could be deemed admitted and the relief sought herein granted by default if M.A.B.D.D. fails to request a hearing within 30 days after service of this petition.

Evidentiary Record

12. In Order No. 3 filed on August 2, 2022, the administrative law judge admitted into evidence the affidavit of Rose Ramirez, and the documents that are attached to Ms. Ramirez's affidavit, all of which are identified as attachment one to Commission Staff's August 1, 2022 motion to admit evidence.

Motion for Disposition by Default

13. On August 1, 2022, Commission Staff filed a motion for entry of a default order.
14. On August 1, 2022, Commission Staff sent a copy of the motion for entry of a default order by certified mail to M.A.B.D.D.'s last known addresses identified above.

Grounds for Default

15. More than 30 days have passed since service of the amended petition to M.A.B.D.D.
16. M.A.B.D.D. did not request a hearing on the merits and did not respond to the amended petition.
17. More than 30 days have passed since service of the motion for default.
18. M.A.B.D.D. did not respond to the motion for entry of a default order.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over this petition under TWC § 13.254.
2. M.A.B.D.D. is a retail public utility under TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(31).
3. Under TWC § 13.250(a) and 16 TAC § 24.247, M.A.B.D.D., as the holder of CCN number 20661, is obligated to provide sewer service to every customer and applicant for service within its certificated area who requests sewer service and meets the terms of M.A.B.D.D.'s sewer service policies, and such service must be continuous and adequate.
4. Because M.A.B.D.D. is no longer providing and is incapable of providing continuous and adequate service in its certificated service area, in violation of TWC § 13.250(a) and 16 TAC § 24.247, the Commission is entitled to revoke CCN number 20661 under TWC § 13.254(a)(1) and 16 TAC § 24.45(d)(1)(A).

5. Adequate notice was provided to M.A.B.D.D. in compliance with Texas Government Code §§ 2001.052 and 2001.054 and 16 TAC § 22.183(b).
6. M.A.B.D.D. failed to request a hearing within 30 days of service of the notice of an opportunity for a hearing, as provided in 16 TAC § 22.183(a).
7. The requirements for disposition by default in 16 TAC § 22.183 have been met in this proceeding.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission deems the allegations in Commission Staff's amended petition as true.
2. The Commission takes official notice of its records that contain the last-known address of M.A.B.D.D.
3. The Commission grants Commission Staff's motion for default order and revokes M.A.B.D.D.'s CCN number 20661.
4. The Commission is not constrained in any manner from requiring additional action or penalties for violations that are not raised here.
5. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the _____ day of _____ 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

PETER M. LAKE, CHAIRMAN

WILL MCADAMS, COMMISSIONER

LORI COBOS, COMMISSIONER

JIMMY GLOTFELTY, COMMISSIONER

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