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COMPLAINT OF EVELYN	§	PUBLIC UTILITY COMMISSION
DANGERFIELD AGAINST HIGH	§	
POINT SPECIAL UTILITY DISTRICT	§	OF TEXAS

ORDER NO. 12
REVISED MOTION TO DISMISS

This Order addresses the February 23, 2024 motion to dismiss filed by the administrative law judge (ALJ) in Order No. 11. The ALJ revises the motion as follows:

In her complaint, Ms. Evelyn Dangerfield alleges improper billing procedures used by High Point Special Utility District. Specifically, Ms. Dangerfield alleges that for initiating water service, there was a \$240 non-refundable deposit required for her account until service has permanently ended, that High Point SUD did not allow a letter of credit instead of the non-refundable deposit as electric providers do, and that the deposit will not be returned after a set time of on-time payments. Additionally, Ms. Dangerfield alleges that there was no prior notice given about a required \$50 charge for an inspection fee for new service customers. Ms. Dangerfield is requesting these ancillary charges be credited back to her since these charges were already paid as part of the initial bill in order to maintain service.

On December 22, 2023, Commission Staff filed its statement of position. Commission Staff asserts that Ms. Dangerfield complied with the informal resolution requirements under 16 Texas Administrative Code (TAC) § 22.242(c) and that the requirements of 16 TAC § 22.242(e)(1) do not apply to this complaint. Based on its review, Commission Staff recommends the complaint fails to state a claim for which relief can be granted due to Ms. Dangerfield's failure to cite rules or regulations supporting her allegations or her comparison of High Point SUD's billing procedures to her electric provider's billing procedures. As a result, Commission Staff recommends that Ms. Dangerfield's complaint meets the informal resolution requirements under 16 TAC § 22.242(c) and moved to dismiss Ms. Dangerfield's complaint under 16 TAC § 22.181(d)(8) for failure to state a claim for which relief can be granted.

The ALJ is of the opinion that this matter should be dismissed under 16 TAC § 22.181(d)(6), because Ms. Dangerfield has failed to prosecute her complaint. The basis for dismissal and the material facts supporting dismissal under 16 TAC § 22.181(d)(6) are summarized

in this Order. Ms. Dangerfield has filed nothing in this case since filing its application on February 17, 2023, despite having been ordered to file comments and responses to Order Nos. 4, 5, 6, 7, 8, and 10, to cure the deficiencies in the complaint by specified deadlines.

Under 16 TAC § 22.181(a) and (e), dismissal of a proceeding may be made upon the motion of the ALJ. This Order constitutes such a motion.

Responses to the ALJ's motion to dismiss, if any, must be filed by March 18, 2024. Alternatively, Ms. Dangerfield may withdraw her complaint.

Signed at Austin, Texas on the 26th day of February 2024.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read "Rebecca Bromley-Williams", is written over a horizontal line.

REBECCA BROMLEY-WILLIAMS
ADMINISTRATIVE LAW JUDGE