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**Item Number - 21**

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## ***Public Utility Commission of Texas***

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TO: Shelah Cisneros  
Commission Counsel

All Parties of Record

FROM: Rebecca Bromley-Williams  
Administrative Law Judge

A handwritten signature in black ink, appearing to read "Rebecca Bromley-Williams".

RE: **Docket No. 54666** – *Complaint of Evelyn Dangerfield Against High Point Special Utility District*

DATE: March 19, 2024

Enclosed is the Proposal for Decision (PFD) in the above-referenced case. By copy of this memorandum, the parties to this proceeding are being served with the PFD.

Please place this docket on an open meeting agenda for the Commissioners' consideration. Please notify me and the parties of the open meeting date, as well as the deadline for filing exceptions to the PFD, replies to the exceptions, and requests for oral argument.

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**DOCKET NO. 54666**

<b>COMPLAINT OF EVELYN</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DANGERFIELD AGAINST HIGH</b>	<b>§</b>	
<b>POINT SPECIAL UTILITY DISTRICT</b>	<b>§</b>	<b>OF TEXAS</b>

**PROPOSAL FOR DECISION**

In this Proposal for Decision (PFD), the administrative law judge (ALJ) recommends the Commission dismiss the complaint of Evelyn Dangerfield against High Point Special Utility District regarding disputed charges on her water bill. The ALJ recommends the complaint be dismissed, under 16 Texas Administrative Code (TAC) § 22.181(d)(6), due to Ms. Dangerfield's failure to prosecute her complaint. The ALJ recommends that the dismissal be without prejudice.

**I. Findings of Fact**

The ALJ makes the following findings of fact.

1. Ms. Dangerfield is an individual who resides at a property located at 15399 Armstrong Road, Terrell, Texas 75160 in Kaufman County.
2. High Point SUD is a special utility district operating under chapters 49 and 65 of the Texas Water Code (TWC).
3. On February 17, 2023, Ms. Dangerfield filed the complaint at issue in this proceeding.
4. Ms. Dangerfield filed her complaint using the Commission's form for an appeal of the cost of obtaining service under TWC § 13.043(g) and 16 TAC § 24.101(g). However, the substance of her complaint is that High Point SUD included improper charges on her water bill.
5. On March 17, 2023, Commission Staff filed its recommendation on administrative completeness in which it stated that it advised Ms. Dangerfield that billing disputes are appropriately handled through the complaint process and not as appeals of the cost of obtaining service. Commission Staff indicated that Ms. Dangerfield was instructed to file a complaint regarding the disputed fees and charges with the Commission. Commission Staff recommended that Ms. Dangerfield's appeal be dismissed, without prejudice, for duplicative filings and other good cause shown under 16 TAC § 22.181(5) and (11).

6. On March 17, 2023, High Point SUD filed its response to Order No. 1 and recommended the appeal be dismissed without prejudice under 16 TAC § 22.181(5) and (11).
7. In Order No. 4 filed on May 31, 2023, the ALJ ordered Ms. Dangerfield to, by June 14, 2023, state whether she wished this matter to be converted from an appeal of the cost of obtaining service under TWC § 13.043(g), to a formal complaint under 16 TAC § 22.242.
8. Ms. Dangerfield did not file comments or otherwise respond to Order No. 4.
9. In Order No. 5 filed on June 20, 2023, the ALJ ordered Ms. Dangerfield to, by June 30, 2023, state whether she wished this matter to be converted from an appeal of the cost of obtaining service under TWC § 13.043(g), to a formal complaint under 16 TAC § 22.242.
10. Ms. Dangerfield did not file comments or otherwise respond to Order No. 5.
11. In Order No. 6 filed on July 20, 2023, the ALJ ordered Ms. Dangerfield to, by August 3, 2023, state whether she wished this matter to be converted from an appeal of the cost of obtaining service under TWC § 13.043(g), to a formal complaint under 16 TAC § 22.242.
12. Ms. Dangerfield did not file comments or otherwise respond to Order No. 6.
13. In Order No. 6 filed on July 20, 2023, the ALJ ordered Ms. Dangerfield to, by August 3, 2023, state whether she wished this matter to be converted from an appeal of the cost of obtaining service under TWC § 13.043(g), to a formal complaint under 16 TAC § 22.242.
14. In Order No. 9 filed on November 9, 2023, the ALJ restyled the docket to a formal complaint under 16 TAC § 22.242 to accurately reflect the substance of Ms. Dangerfield's February 17, 2023 filing.
15. In Order No. 12 filed on February 26, 2024, the ALJ moved to dismiss Ms. Dangerfield's complaint, without prejudice, due to her failure to prosecute. The ALJ ordered Ms. Dangerfield respond to the motion to dismiss on or before March 18, 2024.

16. To date, Ms. Dangerfield has not responded to the motion to dismiss or any order in this proceeding.
17. No hearing was held on the motion to dismiss.
18. Ms. Dangerfield has filed nothing in this docket since filing her complaint on February 17, 2023.

## **II. Conclusions of Law**

The ALJ makes the following conclusions of law.

1. Mr. Dangerfield is entitled to bring her complaint under 16 TAC § 22.242(a).
2. The Commission may dismiss a proceeding, with or without prejudice, upon the motion of the presiding officer or any party, for failure to prosecute under 16 TAC § 22.181(d)(6).
3. Ms. Dangerfield's failure to participate in this proceeding warrants dismissal, without prejudice, for failure to prosecute under 16 TAC § 22.181(d)(6).
4. Under 16 TAC § 22.181(c), this proceeding may be dismissed without a hearing because the facts necessary to support the dismissal are uncontested.
5. Under 16 TAC § 22.181(f)(2), dismissal of a case for reasons other than those specified in 16 TAC § 22.181(g)(1) or (2) requires preparation of a PFD.
6. This PFD was issued in accordance with Texas Government Code § 2001.062 and 16 TAC § 22.261(a).

## **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the ALJ recommends the following ordering paragraphs.

1. The Commission dismisses Ms. Dangerfield's complaint, without prejudice, due to her failure to prosecute.
2. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas on the 19<sup>th</sup> day March of 2024.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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

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**REBECCA BROMLEY-WILLIAMS**  
**ADMINISTRATIVE LAW JUDGE**