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PUBLIC UTILITY COMMISSION  
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APPLICATION OF DOUGLAS § BEFORE THE STATE OFFICE  
UTILITY COMPANY TO CHANGE §  
WATER AND SEWER RATE/TARIFF § OF  
IN HARRIS COUNTY, TEXAS §  
§ ADMINISTRATIVE HEARINGS

**EQUALITY COMMUNITY HOUSING CORPORATION'S  
MOTION FOR SUPPORT OF REVISED PROCEDURAL  
SCHEDULE & REQUEST FOR DOCUMENTATION TO CLARIFY  
RECONCILIATION AND REFUND**

Equality Community Housing Corporation ("Equality") files this Motion for Support of the Public Utility Commission Staff's ("Staff") Response to State Office of Administrative Hearing ("SOAH") Order No. 14, dated and filed October 14, 2015 ("Response"), and requests the SOAH Administrative Law Judge ("ALJ") adopt the Staff's revised procedural schedule and require Douglas Utility Company ("DUC") to supplement information submitted to the PUC in accordance with Staff's Response, and in support thereof, would show as set forth below.

**I. Background**

On March 12, 2013, DUC filed with the Texas Commission on Environmental Quality ("TCEQ") a notice of intent to change water and sewer service rates. On September 1, 2014, the jurisdiction over DUC's notice of intent to change rates was transferred from the TCEQ to the Public Utility Commission of Texas ("Commission"). On October 29, 2014, the Commission concluded that a limited evidentiary hearing was necessary to determine if rates negotiated in the mediation hearing between DUC, Equality, the executive directors of TCEQ, the Office of Public Interest Council, and the Fountainview Homeowners Association violated Texas Water Code section 13.183(a). On July 22, 2015, the Commission issued Order No. 11, granting a continuance and requiring a status report by September 1, 2015.

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On September 2, 2015, DUC filed a motion to withdraw its rate application and clarified that DUC would begin charging customers the rates that were in effect prior to DUC filing the notice to change rates. On September 22, 2015, the ALJ responded by issuing Order No. 14, which requires (1) DUC to submit documentation evidencing per account reconciliation of all over- and under-billings, (2) DUC to determine all sums charged to customers pursuant to the application, (3) DUC to determine the over-billing of the fees for the GRP, (4) DUC to include in its calculation the Commission approved interest rate for overbilling and (5) establishes a procedural schedule for determining the refund owed to DUC customers.

DUC submitted documentation regarding the “per account reconciliation of all over- and under-billings” requirement, but, as stated in Staff’s Response, and as evidenced in Equity’s outstanding Request for Information, the information submitted by DUC did not clearly identify the necessary information to address the ALJ’s order. Equality concurs with Staff’s Response and respectfully requests the ALJ require that DUC provide further details regarding (1) each individual meter’s consumption amounts, (2) the difference between the amounts billed versus the amount DUC would have billed with the historic rate, and (3) the COH/GRP reimbursement calculation.

## **II. Motion for Support of Staff’s Revised Procedural Schedule and Staff’s Request for Documentation to Clarify Reconciliation and Refund**

Order No. 14 established a procedural schedule that required DUC to file documentation that would evidence a per account reconciliation of all over- and under-billings by September 30, 2015. However, as indicated in Equality’s pending Request for Information (“RFI”), and in Staff’s second set of RFI’s, DUC did not provide sufficient detail to calculate the refund owed to many of DUC’s customers. Specifically regarding Equality:

- (1) the consumption amounts reported by DUC did not identify meter readings obtained at the beginning of the month versus the end of the month;
- (2) the original rate calculated by DUC is constant rather than fluctuating, as would be expected since consumption levels fluctuate;
- (3) the numeric value provided by DUC for the COH/GRP does not clearly demonstrate the calculation used to obtain the value nor does it identify the amount to be reimbursed; and
- (4) the Commission's interest rate is not used in DUC's calculations.

Therefore, based on the limited information provided by DUC, Equality is unable to ascertain the appropriate refund required.

Equality supports the Staff's Response and requests the Commission require DUC supplement the previously provided documentation so that a per customer reimbursement amount may be determined. Additionally, Equality requests the Commission require DUC to provide in the supplemental documentation enough detail that Equality can reasonably ascertain the difference in the amount billed versus the amount that would have been billed pursuant to the historic rates multiplied by the Commission's interest rate.

#### **Request for Relief**

For the foregoing reasons, Equality Community Housing Corporation respectfully requests that the ALJ issue an order requiring Douglas Utility Company to supplement its submitted documentation with sufficient data so that Staff may recommend a refund and Equality Housing Corporation may ascertain the refund individually owed to it. Equality requests all further relief to which it may be entitled.

Respectfully submitted,

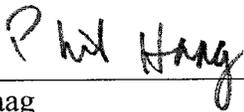
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**ATTORNEYS FOR EQUALITY  
COMMUNITY HOUSING CORPORATION**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served as indicated below upon the following on the 21<sup>st</sup> day of October, 2015.

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