

Control Number: 43121



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PUC DOCKET NO. 43121

**REQUEST BY EDE AND RANDY
BULLOCK FOR DETERMINATION
OF RCH WATER SUPPLY
CORPORATION'S COMPLIANCE
WITH TEXAS WATER CODE
SEC. 13.004 (37766-I)**

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PUBLIC UTILITY COMMISSION

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PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

**RCH WATER SUPPLY CORPORATION'S
OBJECTION TO DOCUMENTS REQUESTED BY COMMISSION STAFF**

TO THE PUBLIC UTILITY COMMISSION:

The RCH Water Supply Corporation ("RCH") hereby provides the additional information requested in Order No. 2.

I. INTRODUCTION AND BACKGROUND

On September 24, 2015, RCH asserted that the PUC's jurisdiction in this proceeding is limited.¹ On September 29, 2015, Commission Staff responded by recommending the production of certain documents by RCH.² On September 30, 2015, Order No. 2 required the additional documents be submitted by October 15, 2015.³ On October 15, 2015, RCH provided the requested tariff and requested additional time to provide information related to documents from the Secretary of State.⁴ On October 21, 2015, RCH provided supplemental documents requested in Order No. 2.⁵ On October 22, 2015, Commission Staff requested additional documents ("Commission Staff's Request").⁶ RCH hereby objects to the request for additional documents and moves for protection from additional document production.

¹ All documents filed in this docket shall be referred to by item number as shown on the Public Utility Commission of Texas website. RCH's referenced pleading is Item No. 9.
² Item No. 10.
³ Item No. 11.
⁴ Item No. 12.
⁵ Item No. 13.
⁶ Item No. 15.

III. DOCUMENTS

As detailed in RCH's Response to Order No. 1, filed on September 24, 2015, the PUC's jurisdiction is only invoked pursuant to PUC Rule § 24.35.⁷ The PUC may only invoke jurisdiction over a water supply corporation if the *PUC finds* that the water supply corporation:

- (1) is failing to conduct annual or special meetings in compliance with Section 67.007; or
- (2) is operating in a manner that does not comply with the requirements for classifications as a nonprofit water supply or sewer service corporation prescribed by Sections 13.002(11) and (24).⁸

PUC Rule § 24.35 recognizes its limited jurisdiction. However, despite the PUC's recognition of its limited jurisdiction, Commission Staff's Request sought information related to the following:

1. A copy of [RCH's] tariff in place in June of 2010 and confirmation that RCH's tariff at the time did not include the "Owners and Renters" provision of Section E of the tariff.
2. Confirmation that there was a "Grievance Procedures" on Section B of RCH's previous tariff versions, and documentation that RCH followed this procedure with Petitioners Ede and Randy Bullock regarding the dispute at issue.
3. Confirmation that Petitioners signed paperwork with RCH in the summer of 2010 that stated that Petitioners would be responsible for J&M Tire Store's water bill in the event J&M Tire Store defaulted on its bill.
4. Confirmation that the April 2015 tariff was voted on in an open meeting after notice was given to members.

Without question, none of the requested documents relate whatsoever to whether RCH is a water supply corporation. The Commission Staff's Request to seek information related to the merits

⁷ Item No. 9.

⁸ See TWC § 13.004 (a). It should be noted that PUC Rule 24.35 closely tracks the cited statute.

of an investigation and are not relevant to a determination by the PUC of whether the PUC has jurisdiction over this complaint. The documents requested are simply not relevant to whether RCH is a water supply corporation recognized by the Secretary of State. As demonstrated in previous filings, RCH has demonstrated that it is a water supply corporation as defined by Tex. Water Code §13.002 (24) and has operated as a non-profit corporation pursuant to the laws of the State of Texas since 1961.⁹

By not establishing that RCH is a water supply corporation in accordance with Chapter 13 of the Texas Water Code and Chapter 24 of the PUC Rules, Commission Staff has no basis to recommend an Order requesting production of documents that respond to Commission Staff's Requests. The PUC simply has not established jurisdiction to begin an investigation. Because the PUC's jurisdiction to investigate RCH has not been invoked by an appropriate finding from the Public Utility Commission of Texas, RCH hereby seeks protection pursuant to PUC Rule 22.142. Commission Staff's inquiry assumes jurisdiction where jurisdiction has not been established. Thus, RCH respectfully requests that Commission Staff's request for additional documents¹⁰ be overruled and an Order of Protection against any such further inquiries be entered against the Commission Staff.

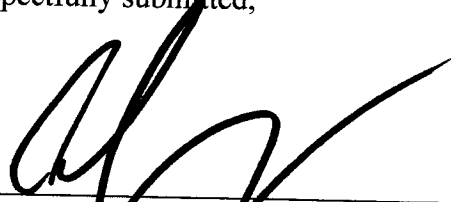
III. PRAYER

RCH has demonstrated in its filings in this docket that the PUC cannot exercise jurisdiction pursuant to TWC §13.004 and 10 Tex. Admin. Code § 24.35. As such, RCH prays that Commission Staff's Request be overruled and an order of protection against any such further inquiries be entered against the Commission Staff.

⁹ Item Nos. 9, 12, and 13.

¹⁰ Item No. 15.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of October, 2015, a true and correct copy of the foregoing document was served on the individuals listed below by hand delivery, email, facsimile or First Class Mail.

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