

Control Number: 43121



Item Number: 23

Addendum StartPage: 0

Randy E. Bullock
P. O. Box 2303
Rockwall, Texas 75087
(214)850-4356

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2015 DEC 31 AM 9:08

PUBLIC UTILITY COMMISSION
FILING CLERK

December 17, 2015

RE: RCH Water Supply Corp.
PUC Docket #43121

To Whom It May Concern:

This letter is to address the response to Order #4 Exhibit A - "Affidavit of Odis Lowe" by RCH Water Supply Corporation, filed with the Public Utility Commission on November 10, 2015. The disputed items are as follows:

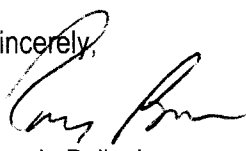
- The 1st paragraph states and describes that Odis Lowe personally appeared and subscribed "HER" name on the affidavit and that the undersigned authority first duly sworn did depose "HER" oath. Odis Lowe, to my best knowledge, is a "HE".
- #1 - states that Odis Lowe serves as the "President" of RCH Water Supply Corp. Odis Lowe is listed as "Secretary" of the Board of Directors on their website, with the Secretary of State and various other documents, personally provided to the PUC. Jackie Pullen is listed as "President" of the Board of Directors on their website, with the Secretary of State and in previous correspondence sent to the PUC filed on October 15, 2015. Odis Lowe is "NOT" the President of RCH Water Corporation.
- #3 - states that the current Tariff, dated April 29, 2015, was Passed and Approved, by a Resolution, by the RCH Board of Directors in a posted open meeting and that Notice of the current Tariff was properly provided. There is "NO" confirmation of any Proper Notification, as stated in the Affidavit. Per Section 551041 and 551043 of the Government Code, Chapter 551 "Open Meetings". The Notice of a Meeting must be posted in a place readily accessible to the General Public at all times for at least 72 hours before the scheduled time of meeting. Typical posting would be at the County Clerk's Office to view. At the County Clerk's Office, there are many other postings from various Rockwall County Water Corporations, but none from RCH. The open meeting notice for the current Tariff and Water Rate increase was improperly posted.
- #4 - RCH Tariff Section E "Service Rules and Regulations" Item #7 "Owners and Renters" states that the Owner shall be required to sign an "Alternate Billing Agreement" when renting or leasing real estate property, designated to receive service. RCH has been requested to provide confirmation that Petitioner's signed that paperwork (ABA). Petitioners did not sign any such document and RCH has failed to produce this document as requested by TCEQ or PUC at any time during this process. PUC has currently requested this document in Order #4 which was filed on November 17, 2015. Therefore, the requirements specified in the RCH Tariff, Item #7, "Owners and Renters" were not followed by RCH.
- #5 states that RCH Board followed the "Grievance Procedure" in Section 13 in the previous , as well, as current Tariff. The Petitioners (Randy and Ede Bullock) followed the Tariff procedures under Item 9A and

9B, by presenting the Grievance to an RCH Corporation Authorized Staff Member. When it was not resolved, to the satisfaction of the aggrieved party, we then sent Certified Letters to Ms. Robin Baley, Admin. Assistant to the RCH Water Board of Directors, each Board Member individually at their home addresses and to the Board of Directors addressed to the RCH Offices located at 5763 State Hwy. 205, Suite 101, Rockwall, Texas 75032. As per the RCH Tariff in "Grievance Procedures" Item #9C, it states that the Board of Directors shall respond to the Complaint of the Grievance by communicating the Board's decision in writing. Petitioners never received, in writing or otherwise, any decision by the Board of Directors addressing Petitioners grievance or complaint. RCH also claims "they put us on the meeting agenda multiple times and Mr. Bullock failed to attend any of the meetings". I never received any notification in writing or otherwise, regarding being put on any meeting agenda to address the Grievance and Complaint. In the "Grievance Procedures" Item (D) it states that any charges or fees contested as a part of the complaint shall be suspended until a satisfactory review and final decision has been made by the Board of Directors. That has never occurred, and the disputed Grievance Amount has been included in the RCH Statement Billing since July, 2013, along with monthly late charges. Since July 2013, we have paid the current water and regulatory fees, per the account statement, every month prior to the due date. It is paid by check, in person, at the RCH Office, with an authorized staff member's signature acknowledging receipt of payment each month. To date, NO check has ever been cashed and additional late charges/fees have been accruing monthly since July, 2013. The disputed amount was never suspended, which was required in the RCH Tariff, until final resolution of the Grievance and Complaint. Therefore, the "Grievance Procedure" as stated in the previous or current RCH Tariff was not followed by the RCH Board.

- RCH Water has been operating in and out of Non Profit Compliance as provided by documentation from the Office of the Texas Secretary of State as early as October 27, 2006. The most current being an "Involuntary Termination of RCH Water Supply Corporation" File #17642701, dated February 7, 2014. They have recently become reinstated, but have shown a great disregard to stay compliant as a Non-Profit Organization. This latest termination was for approximately 20 months, (February, 2014 - October, 2015) prior to the current RCH request and documents required for reinstatement by the Secretary of State in October, 2015. This is a business pattern that should not be tolerated or accepted. RCH is a Utility Water Service Provider to its consumer members and is expected to be compliant with State Laws as a Domestic Non-Profit Water Supply Corp. Documented history has shown RCH has failed to stay compliant numerous times. Therefore violating Texas Water Code, Chapter 13, Section 13.002 and 13.004.

In closing, the stated facts provided in the "Affidavit of Odis Lowe" are completely inaccurate as addressed in this correspondence. Therefore, due to the various violations by RCH of the Texas Water Code and underlying billing issues, I continue to request the investigation of RCH Water Supply Corp per the rule references in the Texas Statutes of the Texas Water Code. Those references are contained in correspondence sent and filed with the Public Utilities Commission in March, 2015.

Sincerely,



Randy Bullock

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

OF TEXAS

AFFIDAVIT OF ODIS LOWE

STATE OF TEXAS

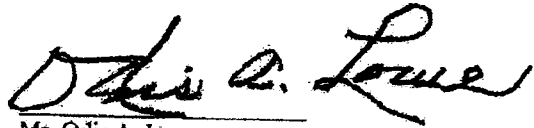
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COUNTY OF ROCKWALL

BEFORE ME, the undersigned authority, personally appeared Odis Lowe, known to me to be the person who subscribed her name below, who, being by me first duly sworn did depose on her oath as follows:

1. I am over 18 years of age, have not been convicted of a crime, and I am of sound mind. I serve as the President of the RCH Water Supply Corporation (hereinafter "RCH") and personally acquainted with the facts herein stated.
2. I have been on the Board of Directors of RCH since 1963.
3. RCH produced a copy of its Tariff dated April 2015 ("Current Tariff") with the Public Utility Commission of Texas on October 12, 2015. The Current Tariff was approved by the RCH Board of Directors in a posted open meeting pursuant to the Texas Open Meetings Act. Notice of the Current Tariff was properly provided.
4. RCH had a tariff similar to the Current Tariff in effect in June 2010. Specifically, the "Owners and Renters" provision contained in Section E. of the Current Tariff read the same as it did in June 2010.
5. The "Grievance Procedure" in Section B. of RCH's previous tariffs reads the same as contained in the Current Tariff. The RCH Board followed the procedures. The RCH Board had Mr. Randy Bullock's complaint on RCH's meeting agenda multiple times. Mr. Bullock failed to attend any of the meetings.
6. To my knowledge, Mr. Randy Bullock was a member of RCH in June 2010.

Further affiant sayeth not."


Mr. Odis A. Lowe

Subscribed to and sworn to before me, the undersigned authority on this the 9th day of November 2015.



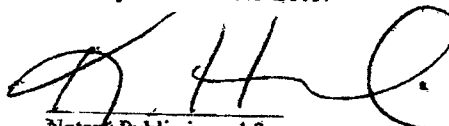
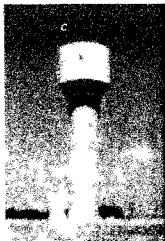

Notary Public in and for
the State of Texas

EXHIBIT A



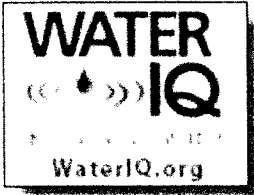
RCH Water Supply

- Home
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- Water Quality
- Water Conservation
- About Us
- Contacts

About Us

Board of Directors

Jackie Pullen	President
Warren Hodges	Vice-President
Odis Lowe	Secretary
Lowell English	Director
Gary Lovell	Director
Dwight Lindop	Maintenance Supervisor
Robin Baley	Administrative Officer



Board Meetings

Regularly scheduled board meetings are held the first Wednesday of each month. The meetings are held at 2:00 pm at 5763 Hwy 205 South, Ste. 101, Rockwall, TX. Anyone wishing to address the board must contact Robin Baley, Administrative Officer, at 972-722-3203 at least one week prior to the meeting to be placed on the agenda.

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Webmaster

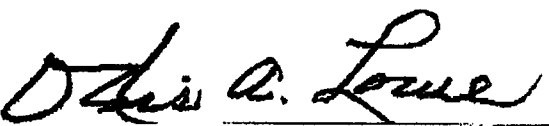
RCH Water Supply - 5763 Hwy 205 South, Ste 101 - Rockwall, TX 75032 - 972.722.3203

SECTION A. RESOLUTION

1. THE BOARD OF DIRECTORS OF RCH WATER SUPPLY CORPORATION ESTABLISHES THAT:
2. This Tariff of the RCH Water Supply Corporation, serving Rockwall County consisting of Sections A. through G. and forms inclusive, is adopted and enacted as the current regulations and policies effective as of the 29th day of April, 2015.
3. Only those pre-existing written contracts or agreements executed by the present or previous Board of Directors shall remain in effect, unless the contract or agreement requires compliance with changes of the tariff from time to time.
4. The adoption of this tariff does not prohibit or limit the Corporation from enforcing previous penalties or assessments from before the current effective date.
5. An official copy of this and all policies or records shall be available during regular office hours of the Corporation. The Secretary of the Corporation shall maintain the original copy as approved and all previous copies for exhibit.
6. Rules and regulations of state or federal agencies having jurisdiction shall supersede any terms of this policy. If any section, paragraph, sentence, clause, phrase, word, or words of this policy are declared unconstitutional or invalid for any purpose, the remainder of this policy shall not be affected.
7. PASSED and APPROVED this 29th day of April, 2015.


President, RCH Water Supply Corporation

ATTEST:


Secretary, RCH Water Supply Corporation

Approved JP

Resolution #2015-1: Water Rate Increase

RESOLUTION # 003-005

A RESOLUTION OF THE RCH WATER SUPPLY CORPORATION APPROVING A MONTHLY RATE RAISE FOR THE RCH WATER SUPPLY CORPORATION AS APPROVED BY THE BOARD OF DIRECTORS OF THE RCH BOARD

Whereas, the RCH Board of Directors did pass and approve a rate raise for the RCH WSC system at the April 29, 2015 meeting.

Whereas, motion was made and unanimously approved by the Board to raise the water rates as follows to be effective August 1, 2015.

	<u>Current Rates</u>	<u>Proposed Rates</u>
Base Rate	\$12.50	No Change
0-30,000 gallons	\$4.45 per 1,000 gallons	\$5.00 per 1,000 gallons
30-60,000 gallons	\$5.45 per 1,000 gallons	\$6.00 per 1,000 gallons
60-100,000 gallons	\$8.20 per 1,000 gallons	\$9.00 per 1,000 gallons
100,000 and over	\$13.00 per 1,000 gallons	\$15.00 per 1,000 gallons

Whereas, cause for the rate raise was conservation of water, impending construction costs and expenses to the sewer system and ongoing maintenance costs for the water system;

Whereas, a public notice was mailed to all customers on May 13, 2015 for comments on the proposed rate raise.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of RCH WSC of Rockwall, Texas the rate raise for the water system will become effective August 1, 2015 and continue until repealed.

PASSED AND ADOPTED by the RCH WSC Board of Directors this 29th day of April , 2015.

Jackie Pullen, Board President

ATTEST: Odis Lowe, Secretary

#1

RCH Water Supply

Water Rates as of Feb 2013

Base Rate	\$12.50
1 – 30,000 gallons	\$4.45 per 1,000
30,001 – 60,000 gallons	\$5.45 per 1,000
60,001 – 100,000 gallons	\$8.20 per 1,000
100,001 + gallons	\$13.00 per 1,000

Late Charge \$15.00

TEXAS SECRETARY of STATE

CARLOS CASCOS

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BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number: 17642701 **Entity Type:** Domestic Nonprofit Corporation
Original Date of Filing: July 24, 1961 **Entity Status:** Involuntarily dissolved
Formation Date: N/A **Non-Profit Type:** Water Supply Corporation
Tax ID: 32019810947 **FEIN:**
Duration: Perpetual

Name: RCH WATER SUPPLY CORPORATION
Address: 811 YELLOW JACKET LN STE 102
Rockwall, TX 750874819 USA

<u>REGISTERED</u>		<u>FILING HISTORY</u>		<u>NAMES</u>	<u>MANAGEMENT</u>	<u>ASSUMED NAMES</u>	<u>ASSOCIATED</u>	
<u>AGENT</u>							<u>ENTITIES</u>	
<u>View</u>	<u>Document</u>	<u>Filing Type</u>	<u>Filing Date</u>	<u>Effective Date</u>	<u>Eff.</u>	<u>Page</u>		
<u>Image</u>	<u>Number</u>				<u>Cond</u>	<u>Count</u>		
/	7268808	Articles of Incorporation	July 24, 1961	July 24, 1961	No	4		
/	3585478	Nonprofit Periodic Report	June 9, 1986	June 9, 1986	No	1		
/	145148460001	Report Notice	September 26, 2006	September 26, 2006	No	1		
/	149069900001	Notice of Forfeited Rights for Non-Filing of Periodic Report	October 27, 2006	October 27, 2006	No	1		
/	161839060001	Involuntary Dissolution	February 28, 2007	February 28, 2007	No	1		
/	183644780002	Nonprofit Periodic Report	August 23, 2007	August 23, 2007	No	2		
/	272966800002	Articles of Amendment	August 31, 2009	August 31, 2009	No	2		
/	496293540002	Certificate of Amendment	August 20, 2013	August 20, 2013	No	3		
/	496870910001	Report Notice	August 27, 2013	August 27, 2013	No	1		
/	507085820001	Notice of Forfeited Rights for Non-Filing of Periodic Report	October 3, 2013	October 3, 2013	No	1		
/	528241910001	Certificate of Involuntary Termination	February 7, 2014	February 7, 2014	No	1		

[Order](#) [Return to Search](#)

Instructions:

- To place an order for additional information about a filing press the 'Order' button.



Office of the Secretary of State

**INVOLUNTARY TERMINATION
OF
RCH WATER SUPPLY CORPORATION**
File Number: 17642701

The Secretary of State hereby determines and finds the following

- 1 That the corporation is required to file the periodic report specified by Title 2, Section 22.357 of the Texas Business Organizations Code
2. That the corporation has failed to file the periodic report prescribed by law when the same has become due.
- 3 That the corporation forfeited its right to conduct affairs in this state for failure to file said report.
- 4 That the corporation was mailed notice of such forfeiture following a period of not less than thirty (30) days of the requirement to file said report and simultaneously therewith given an additional period of not less than one hundred twenty (120) days to correct the delinquency
5. That the corporation has failed prior to this action to correct the neglect, omission or delinquency.

It is therefore ordered, as prescribed by Title 2, Section 22.364 of the Texas Business Organizations Code, that the domestic corporation be terminated without judicial ascertainment.

Dated: February 7, 2014



NANDITA BERRY

Nandita Berry
Secretary of State