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**SOAH DOCKET NO. 473-16-1108  
PUC DOCKET NO. 45207**

2015 DEC 18 PM 3:28  
FILED CLERK'S OFFICE

<b>COMPLAINT OF J. HINKEN AGAINST BASTROP WEST WATER AND PAUL KLAUS</b>	§ § §	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**PRELIMINARY ORDER**

On September 30, 2015, J. Hinken filed a complaint against Bastrop West Water and its owner, Paul Klaus, alleging that Bastrop improperly pursued charges against complainant for costs related to damage to Bastrop's waterline and for fees related to the installation of a meter on a property adjacent to and formerly owned by the complainant.

On November 9, 2015, the Commission issued an order referring this docket to the State Office of Administrative Hearings (SOAH) and requesting that interested parties file a list of issues to be addressed in this proceeding by November 30, 2015. On November 30, 2015, Commission Staff and Bastrop each timely filed a list of issues.

**I. Issues to be Addressed**

The Commission must provide to the administrative law judge (ALJ) a list of issues or areas to be addressed in any proceeding referred to SOAH.<sup>1</sup> After reviewing the pleadings submitted by the parties, the Commission identifies the following issues that must be addressed in this docket:

1. What specific tract, or tracts, of land are involved in in this complaint?
2. Who owned the tracts that are the subject of this complaint?

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<sup>1</sup> Tex. Gov't Code Ann. § 2003.049(e) (West 2008 & Supp. 2014).

3. Who occupied the tracts that are the subject of this complaint and when did they occupy them?
4. Are all tracts that are the subject of this complaint within Bastrop's CCN?
5. Who, if anyone, requested disconnection from Bastrop and when did they request it?
6. What amounts, if any, does Bastrop contend that it is owed by the complainant?
7. Did BWW improperly bill complainant for service prior to complainant requesting service on March 13, 2014, resulting in overbilling pursuant to 16 TAC § 24.87(h)?
8. What are the proper costs or fees associated with the installation of the new meter on the adjacent property pursuant to 16 TAC § 24.86, and is complainant responsible for any portion of these costs or fees?
9. Did Bastrop improperly charge complainant costs for repairs pursuant to 16 TAC § 24.87(o)?
10. Does the invoice presented to complainant from Bastrop for the costs associated with the repair to the waterline comply with 16 TAC § 24.87(o)?

This list of issues is not intended to be exhaustive. The parties and the SOAH ALJ are free to raise and address any issues relevant in this docket that they deem necessary, subject to any limitations imposed by the SOAH ALJ, or by the Commission in future orders issued in this docket. The Commission reserves the right to identify and provide to the SOAH ALJ in the future any additional issues or areas that must be addressed, as permitted under Tex. Gov't Code Ann. § 2003.049(e).

## **II. Issues Not to be Addressed**

The Commission takes the position that the following issue need not be addressed in this proceeding for the reasons stated.

1. The complainant has asserted that Bastrop has required that the new owners of property previously owned by complainant pay the amount Bastrop claims it is owned by complainant before Bastrop will provide service to them.

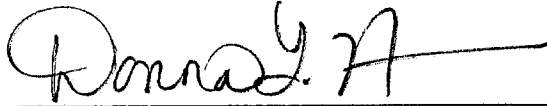
Because the new owners of the property previously owned by the complainant are not parties to this complaint, this issue should not be addressed.

## **III. Effect of Preliminary Order**

This Order is preliminary in nature and is entered without prejudice to any party expressing views contrary to this Order before the SOAH ALJ at hearing. The SOAH ALJ, upon his or her own motion or upon the motion of any party, may deviate from this Order when circumstances dictate that it is reasonable to do so. Any ruling by the SOAH ALJ that deviates from this Order may be appealed to the Commission. The Commission will not address whether this Order should be modified except upon its own motion or the appeal of a SOAH ALJ's order. Furthermore, this Order is not subject to motions for rehearing or reconsideration.

SIGNED AT AUSTIN, TEXAS the 18<sup>th</sup> day of December 2015.

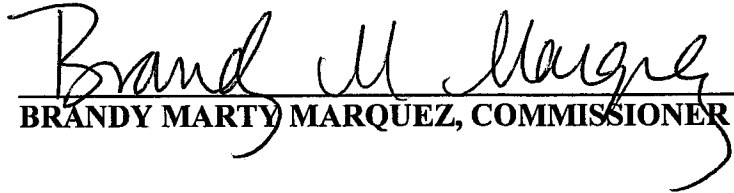
**PUBLIC UTILITY COMMISSION OF TEXAS**



**DONNA L. NELSON, CHAIRMAN**



**KENNETH W. ANDERSON, JR., COMMISSIONER**



**BRANDY MARTY MARQUEZ, COMMISSIONER**