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DOCKET NO. 45207

**COMPLAINT OF J. HINKEN AGAINST
BASTROP WEST WATER AND PAUL
KLAUS**

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§

PUBLIC UTILITY COMMISSION

OF TEXAS

2015 OCT 28 AM 10:18

PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S STATEMENT OF POSITION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Statement of Position, and would show the following:

I. BACKGROUND

On September 30, 2015, J. Hinken (Complainant) filed a complaint against Bastrop West Water and its owner, Paul Klaus (BWW) pursuant to Texas Admin. Code § 22.242 (TAC).

On October 1, 2015, the Administrative Law Judge (ALJ) issued Order No. 1 requiring BWW to respond to the complaint by October 21, 2015, and Staff to file a Statement of Position by October 28, 2015. This pleading is therefore timely filed.

II. COMPLIANCE WITH 16 TAC § 22.242

Complainant has complied with the informal requirements under 16 TAC § 22.242 by first filing an informal complaint #CP2015030451. Staff has reviewed Customer Protection Division (CPD) records, and confirmed that the informal complaint matches the parties and subject matter of this formal complaint. The CPD informal resolution was concluded and closed on April 3, 2015.

Staff therefore recommends that Complainant be found to have complied with the informal resolution requirements of 16 TAC § 22.242.

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III. STATEMENT OF POSITION

Complainant avers, among other things, that she did not agree to pay for one-half of the fee to set a new meter on a neighboring property for which BWW has billed Complainant. Additionally, Complainant avers that BWW has presented her with an invoice for fees associated with damage, from a separate incident, to BWW's water line and for which Claimant avers did not happen, or alternatively, for which she is not responsible.

BWW avers that Complainant owes BWW for half of the costs associated with setting a new meter on the neighboring property and for fees arising from damage caused by Complainant's contractor to BWW's water line.

After reviewing the complaint, BWW's response, and the applicable rules, Staff has determined that the facts are clearly disputed, and an evidentiary record needs to be developed. Therefore, Staff recommends that this docket be referred to the State Office of Administrative Hearings.

IV. CONCLUSION

Staff respectfully requests referral to the State Office of Administrative Hearings (SOAH) for the reasons stated above.

DATE: October 28, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

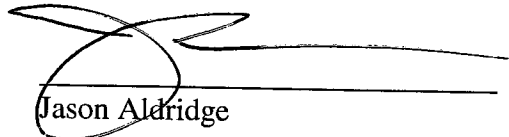


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this October 28, 2015 in accordance with 16 TAC § 22.74.



Jason Aldridge