



Control Number: 45207



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**P.U.C. DOCKET NO. 45207
SOAH DOCKET NO. 473-16-1108**

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

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

**BASTROP WEST WATER AND PAUL KLAUS'
RESPONSE TO ORDER OF REFERRAL**

COMES NOW, Bastrop West Water and Paul Klaus (collectively BWW), and files it's List of Threshold Legal Issues; Issues to Be Addressed; and Issues that Should Not be Addressed in the above docket numbers.

Threshold Legal Issue:

1. J. Hinken's complaint is moot.
 - a. In August 2015, J. Hinken sold the property she owned where the water meter was located that provided water service to Jeff Hill, who purchased 168 Edmonson Lane from J. Hinken. As part of the title transfer in August 2015, the outstanding balance J. Hinken owed to BWW was paid in full. Therefore, BWW seeks no monetary recovery from J. Hinken.

List of Issues to Be Addressed:

1. J. Hinken owed BWW \$430.00 for damages caused by an individual she hired to perform work related to the water meter providing service for 168 Edmonson Lane.
 - a. The following documents, which are party admissions pursuant to Texas Rules of Evidence Rule 801(e)(2), confirm J. Hinken hired an individual to perform work related to water service:
 - i. BWW's Response to Order No. 1:
 1. Exhibit 3 – J. Hinken complaint to PUC dated March 5, 2015, pages 2 – 3
 2. Exhibit 4 - J. Hinken email/letter dated January 17, 2015
 3. Exhibit 4 – J. Hinken email/letter dated January 30, 2015
 4. Exhibit 4 - J. Hinken email dated February 16, 2015

5. Exhibit 4 - J. Hinken email/letter dated March 13, 2015
 - ii. J. Hinken September 21, 2015 formal complaint III.A.5 – A.6
- b. 16 Texas Administrative Code §24.86(2)(B) – The service applicant is responsible for furnishing and laying the necessary service line from the meter to the place of consumption and shall keep the service line in good repair.... The customer's responsibility begins at the discharge side of the meter or the utility's cut-off valve.
2. J. Hinken owed BWW \$225.00, which represents one-half of the fee for the meter tap that was installed at 168 Edmonson Lane at her request.
 - a. J. Hinken's request for the water meter and agreement to pay one-half of the tap fee, also party admissions, are documented in the following documents:
 - i. BWW's Response to Order No. 1:
 1. Exhibit 3 - J. Hinken complaint to PUC dated March 5, 2015
page 2
 2. Exhibit 4 – J. Hinken email/letter dated January 30, 2015
 3. Exhibit 4 – J. Hinken email/letter dated February 1, 2015
 4. Exhibit 4 - J. Hinken email dated February 16, 2015
 5. Exhibit 4 - J. Hinken email/letter dated March 13, 2015
 - ii. J. Hinken September 21, 2015 formal complaint III.A.3 – A.4
3. BWW complied with 16 Texas Administrative Code §24.87 regarding billing for the damages caused by the handyman J. Hinken hired to perform work related to the water meter providing service for 168 Edmonson Lane.
 - a. BWW's Response to Order No. 1:
 - i. Exhibit 2 - Itemized invoice
 - ii. Exhibit 1 – Tariff states \$ 2.70 – 3.25 per 1,000 gallons;
 1. Total charge for water flowing from main line more than 10
hours was \$105.00
 2. Labor – \$275.00 divided by 8 hours = approximately \$34.38
hour
 - b. Exhibit 5 – PUC response to J. Hinken complaint regarding a billing issue

- c. 16 Texas Administrative Code §24.87(o) - A utility may charge for all labor, material, equipment, and all other actual costs necessary to repair or replace all equipment damaged due to negligence, meter tampering or bypassing, service diversion, or the discharge of wastes that the system cannot properly treat.... An itemized bill of such charges must be provided to the customer.
- 4. J. Hinken requested disconnection of her water service at or near the time a new water meter was installed to provide Jeff Hill service for 168 Edmonson Lane.
 - a. J. Hinken statements that she did not need water service and/or a water meter, also party admissions, are documented in the following documents:
 - i. BWW's Response to Order No. 1, including:
 - 1. Exhibit 3 - J. Hinken complaint to PUC dated March 5, 2015 pages 2 – 3
 - 2. Exhibit 4 – J. Hinken February 2, 2015, email
 - 3. Exhibit 4 - J. Hinken email/letter dated March 13, 2015
 - ii. J. Hinken September 21, 2015 formal complaint II.B
 - b. 16 Texas Administrative Code §24.88(g) - A utility shall disconnect service no later than the end of the next working day after receiving a written request from the customer.

List of Issues that should not be Addressed:

- 1. The name of the individual(s) whose name(s) the water service at 168 Edmonson Lane should have been in from April 2014 until September 2015.
- 2. Whether Jeff Hill, the individual who bought 168 Edmonson Lane from J. Hinken, was required as a condition of purchasing the property to install a water well or obtain water service from Aqua Water Supply Corporation.
- 3. Whether ownership of the water meter providing service to 168 Edmonson Lane transferred or did not transfer when J. Hinken sold the property to Jeff Hill.
- 4. Whether BWW or Aqua Water Supply Corporation was the proper utility to provide water service for 168 Edmonson Lane.
- 5. Does J. Hinken have standing to assert rights and request relief related to water service at and near the time in 2015 when J. Hinken transferred title to her remaining property on Edmonson Lane.

6. Matters related to billing before January 2012 when Paul Klaus did not own BWW.

Respectfully submitted,



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Certificate of Service

I certify that a copy of **BASTROP WEST WATER AND PAUL KLAUS' RESPONSE TO ORDER OF REFERRAL** was served on the complainant by certified mail, return receipt requested and by email, and the PUC by hand delivery on November 30, 2015.



Deea Western