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PUBLIC UTILITY COMMISSION  
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COMPLAINT OF MONICA BRIEGER §  
AGAINST SWWC UTILITIES, INC. §  
D/B/A HORNSBY BEND UTILITY §

PUBLIC UTILITY COMMISSION  
OF TEXAS

**COMMISSION STAFF'S SUPPLEMENTAL STATEMENT OF POSITION**

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

**I. BACKGROUND**

On August 10, 2015, Monica Brieger (Complainant) filed a formal complaint against SWWC Utilities d/b/a Hornsby Bend Utility (Hornsby) regarding water billing practices and related charges. Order No. 2, issued on March 24, 2016, required Staff to file a supplemental statement of position no later than April 21, 2016. This pleading is timely filed.

**II. SUPPLEMENTAL STATEMENT OF POSITION**

The Texas Administrative Code addresses review by a utility of a customer dispute and disconnection in 16 Tex. Admin. Code § 24.82(1) (TAC), stating:

Any customer or service applicant requesting the opportunity to dispute any action or determination of a utility under the utility's customer service rules shall be given an opportunity for a review by the utility. If the utility is unable to provide a review immediately following the customer's request, arrangements for the review shall be made for the earliest possible date. Service shall not be disconnected pending completion of the review. The commission may require continuation or restoration of service pending resolution of a complaint.<sup>1</sup>

Additionally, billing disputes are governed by 16 TAC § 24.87 which states:

A customer may advise a utility that a bill is in dispute by written notice or in person during normal business hours. A dispute must

<sup>1</sup> 16 Tex. Admin. Code § 24.82(1) (TAC).

be registered with the utility and a payment equal to the customer's average monthly usage at current rates must be received by the utility prior to the date of proposed discontinuance for a customer to avoid discontinuance of service as provided by §24.88 of this title.<sup>2</sup>

Staff finds no evidence of a payment made to the utility equal to the customer's average monthly usage at current rates. Therefore, 16 TAC § 24.87 does not provide protection from disconnection in this case.

After Staff contacted Hornsby regarding this complaint, Staff was advised that service was restored to the property and Complainant and she was able to enroll in a deferred payment plan. Hornsby maintains that they did not receive notice of the informal complaint due to being contacted at an incorrect address, but after being made aware of the PUC inquiry, they immediately reconnected service and waived any reconnection fee or deposit.<sup>3</sup> Staff still does not recommend any additional action be taken in this case, as service has been restored and Complainant is currently on a deferred payment plan.

#### IV. CONCLUSION

Staff respectfully requests the entry of an Order consistent with this recommendation.

Dated: April 20, 2016

Respectfully Submitted,

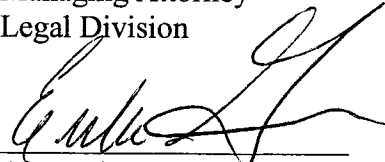
Margaret Uhlig Pemberton  
Division Director  
Legal Division

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<sup>2</sup> 16 TAC § 24.83(1)(1).

<sup>3</sup> Hornsby Bend's Response to Order No. 2, at 2 (Mar. 30, 2016).

Karen S. Hubbard  
Managing Attorney  
Legal Division

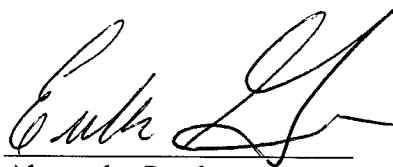
for   
Alexander Petak

Attorney-Legal Division  
State Bar No. 24088216  
(512) 936-7377  
(512) 936-7268 (facsimile)  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on April 20, 2016 in accordance with 16 TAC § 22.74.

for   
Alexander Petak