



Control Number: 45720



Item Number: 74

Addendum StartPage: 0

SOAH DOCKET NO. 473-16-3831.WS  
PUC DOCKET NO. 45720

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2016 AUG 29 PM 2:44

APPLICATION OF RIO CONCHO  
AVIATION, INC. FOR A  
RATE/TARIFF CHANGE

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BEFORE THE STATE OFFICE OF  
FILING CLERK  
ADMINISTRATIVE HEARINGS

**RIO CONCHO AVIATION, INC.'S  
RESPONSE TO COMMISSION STAFF'S THIRD REQUEST FOR INFORMATION  
QUESTION NOS. STAFF 3-1 THROUGH 3-6**

COMES NOW, Rio Concho Aviation, Inc. ("Rio Concho") and files its Response to Commission Staff's Third Request for Information – Question Nos. Staff 3-1 through 3-6.

Respectfully submitted,

By: 

John J. Carlton  
The Carlton Law Firm P.L.L.C.  
2705 Bee Cave Road, Suite 200  
Austin, Texas 78746  
(512) 614-0901  
Fax (512) 900-2855  
State Bar No. 03817600

ATTORNEY FOR RIO CONCHO AVIATION,  
INC.

**CERTIFICATE OF SERVICE**

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail Return Receipt Requested to all parties on this the 29<sup>th</sup> day of August, 2016.



John Carlton

741

**REQUEST FOR INFORMATION  
QUESTION NOS. STAFF 3-1 THROUGH 3-6**

**STAFF RFI 3-1.** Please provide monthly billing records for the test year. For each of Rio Concho's individual customer accounts, please include the amount of water used (in gallons) and the total amount billed. For each month, please indicate if any accounts were closed and/or opened.

**RESPONSE:** Responsive and non-privileged documents will be produced in accordance with the PUC procedures for Confidential Filings and the Protective Order issued in this case.

**STAFF RFI 3-2.** Please provide the number of unmetered taps within Rio Concho's water distribution system during the test year and indicate the how these taps are used. In addition, please specify whether the restaurant lease and office lease are metered connections.

**RESPONSE:** There are no unmetered taps. The restaurant and office are metered connections.

**Response provided by Barbie Brunson.**

**STAFF RFI 3-3.** Please provide monthly flushing records for the test year, as required by TCEQ regulations at 30 Tex. Admin. Code § 290.46(f)(3)(A)(v) (TAC). If available, please provide the number of gallons pumped for each flushing event.

**RESPONSE:** Responsive and non-privileged documents will be produced.

**STAFF RFI 3-4.** Please provide records of any customer complaints received during the test year, including the date, location, and nature of any complaints received by Rio Concho as required by TCEQ regulations at 30 TAC § 290.46(f)(3)(A)(iii).

a) For each record, please indicate if the complaint was received after-hours.

b) For each complaint response and resolution, please provide any logs for water system equipment and facilities maintenance and indicate who performed the maintenance.

**RESPONSE:**

**Rio Concho received complaints on or about the following dates:**

4-9-15 - Kevin, Barbie and Nick Brunson performed flow and pressure tests during work week from 5:00am-10:00am on all three taxi ways, north, middle and south ends due to complaint of low water pressure during peak morning hours. Resolution: Kevin Brunson raised the low end of the operating pressure 5 psi. Noticeable improvement noted from the few complainants. Kevin Brunson drafted letter and sent out to all customers of findings and solution. No complaints since.

6-2-15 - Water service had been disconnected to hangar property in 2008 for nonpayment. Hangar owner refused to pay the water balance. Hangar owner rented to new renter. New renter requested water service and paid past due balance. Hangar owner told the PUC Rio Concho had extorted money from their renter and demanded that Rio Concho pay him back. Rio Concho sent all documentation to Jason Dawson with the PUC, who found that the hangar owner could not demand that the money be refunded to the renter. The case was closed.

10-23-15 - 10:00am during week day Rio Concho Aviation received a call reporting low water pressure. Kevin and Barbie Brunson were in Nacogdoches with family member receiving a heart cath. The well house had taken a lightning strike from a bad storm that had passed through, causing damage to a breaker. A call was made to Randy Manus, who replaced the breaker and restored pressure to the system in a timely manner.

**Responsive and non-privileged documents will be produced.**

**Response provided by Barbie Brunson.**

**STAFF RFI 3-5.** Please provide all other maintenance records for the water system and facilities, applicable to the test year, and as required by TCEQ regulations at 30 TAC § 290.46(f)(3)(A)(vi).

**RESPONSE:** No responsive documents exist. On a recurring basis there are no maintenance items. The pumps are sealed, no lubricant servicing required. Only utility vehicle scheduled service appointments.

**Response provided by Barbie Brunson.**

**STAFF RFI 3-6.** Please clarify the use of the 1995 vehicle listed on line 15 of schedule III-3 of the application.

**RESPONSE:** This fully depreciated vehicle is still owned and rarely used by Rio Concho Aviation, Inc.

**Response provided by Barbie Brunson and Randal Manus.**

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VERIFICATION

THE STATE OF TEXAS

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COUNTY OF

Parker

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BEFORE ME, the undersigned authority, on this day personally appeared Barbie Brunson, who being by me duly sworn, on oath stated that she is an authorized representative of Rio Concho Aviation, Inc.; that she has read the above and foregoing Response to Commission Staff's Third Request for Information and that the answers are true and correct.

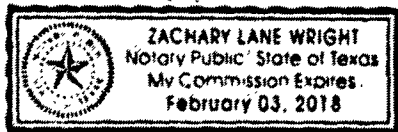
Barbie Brunson

Barbie Brunson

SUBSCRIBED AND SWORN TO BEFORE ME on the 29 day of August, 2016  
to certify which, witness my hand and official seal.

Zachary Lane Wright

Notary Public, State of Texas



**RESPONSIVE TO STAFF 3-3**

3-3

RIO CONCHO AVIATION, INC.  
Miscellaneous Usage

9:42:27 AM

8/11/2016

Page 1 of 2  
Authorized By

Date	Consumption	Name Source	Used For
01/25/2015	7,500		FLUSHING LINES
02/21/2015	7,500		Flushing Lines
03/25/2015	7,500		flushing lines
04/21/2015	15,000		suction line repair
04/25/2015	7,500		flushing lines
05/25/2015	7,500		flushing lines
06/25/2015	7,500		flushing lines
06/30/2015	38,000	DFW Paving Fire Hydrant	Paving
07/25/2015	7,500		flushing lines
08/25/2015	7,500		flushing lines
09/25/2015	7,500		flushing lines
10/19/2015	40,000		line repairs
10/19/2015	7,500		flushin lines
10/20/2015	7,500		flushed lines
10/25/2015	7,500		flushing line
11/24/2015	7,500		flushing lines

RCA000822

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RIO CONCHO AVIATION, INC.  
Miscellaneous Usage

9:42:27 AM 8/11/2016 Page 2 of 2  
Date Consumption Name Source Used For Authorized By  
12/23/2015 7,500 flushing lines

RCA000823

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**RESPONSIVE TO STAFF 3-4**

## Customer Complaint Log 2015

Date	Customer	Hanger	Problem	Resolution
April 6, 2015	Steve Carter phoned in	706	Lower pressure during peak morning hours	Utility performed pressure test on all tank ways during peak hours 5:00am - 10:00am Raised low end of operating pressure 5 psi and noted change. Customer satisfied.
June 2, 2015	John Cury <sup>owner</sup> Sheri Ouren - girlfriend phone + wrote letter	218	Water disconnect for nonpayment in 2008. Sheri refused to pay, said renter is no longer in hanger. Sheri rented hanger 218 in June 2015. New renter wanted water, signed service agreement and paid outstanding balance of \$112,82, said not to worry that he would get w/ his friend John, but he needed the water because he was only in town a couple of days. Sheri contacted PUC, said I had extended money from her renter. PUC removed her name and stating no refund was to be given to Sheri Ouren. Case was closed. I have some voice messages from Sheri on this matter.	

## Customer Complaint Log 2015

Date	Customer	Hanger	Problem	Resolution
Oct 23, 2015	Lois Blanton	1166	low water pressure	<p>Therapist had received lightning strike from back storm that had passed through. Blew out a breaker. Kern + Barbis were in Washington that morning. Rehearsal with all family members. I contacted Randy Mann who went out, assessed the problem and replaced breaker. Service was restored in timely manner.</p>

CP2015060610

Recipients:

puccomplaints@puc.texas.gov

Attachments:

August 18, 2015

Rio Concho Aviation

221 West Hill Dr.

Aledo, Texas 76008

Dear Barbara:

I am now in receipt of your response to my complaint to the TUC, holding Victor Forseth responsible for Platinum Communications 8yr old water bill....

In this piece of fiction you state you should be able to collect a \$15 transfer fee for transferring the water service agreement into my name....

Please send me a copy of any "water service agreement" for either 218 Aviator, or 222 Aviator.

I purchased 218 Aviator from John Campbell, October 5, 1999 and did not nor have I ever signed any such agreement with you. John Cuny has never owned 218 Aviator.

In the response to this complaint Mr. Dawson's states in the 5<sup>th</sup> paragraph that you have provided no record of any agreement specifying who is responsible for bills...and

can not hold myself or Victor responsible for any agreement for service with Platinum Communications.

To hold myself or Victor responsible for this bill is extortion, and if saying that defames your character, so be it.

Please forward any service agreement you have new or old...

I am formally requesting that all monthly water bills for 222 Aviator be sent by USPS, not email.

Sheri Ouren, PO Box 697, Carlsborg, WA 98324

CC: Jason Dawson Customer Protection Division

Public Utility Commission of Texas CP2015060610

RECEIVED

JUN 18 2015

000001

CUSTOMER PROTECTION

5 page fax  
from

Sher L Ouren

re: Rio Concho Aviation

Water Service -

Hicks Airfield

218 Aviator Dr

Ft. Worth, 76179

w/ <sup>can</sup> 12835 / Rio Concho Aviation / meter charges.

To whom it may concern:

I own 218 Aviator Dr Ft Worth 76179 at Hicks Airfield.. This is an aircraft hangar, used primarily for storage...electrical and water service available but seldom used.

Rio Concho Aviation, Inc. run by Barbie Brunson is the water utility company for Hicks.

Recently I leased my hangar to Victor Forseth...explained if he wanted water to the hangar he would need to contact Ms Brunson..and the electric company of his choice.. Ms Brunson denied him service until he paid an eight year old bill from a previous tenant of \$112.82. There has been no water to the hangar for 8 years.

I contacted Ms. Brunson who informed me "that's the way it is". I requested a copy of the water usage for the 8 yr old bill and what document she has stating "that's the way it is" see attached. No usage indicated and a carryforward balance not explained. Her legally binding document is an undated Rio Concho Aviation, Inc. Newsletter

Eight years ago after the tenant had moved out, she presented me with the \$112.82 bill. At that time I called and questioned that billing...I had no way to collect from tenant after he had moved out, since I had returned his deposit...I had never been informed by Ms Brunson when he was in arrears or that I would be responsible, no information what so ever until after the fact...again I was told "that's the way it is" her rules. If she required a deposit for service, and that was applied to the outstanding water balance, unknown. Her synopsis of the events also attached.

I have never signed any document requesting water service for myself or any of my tenants...I tell my tenants the water service and utilities are between them and their providers...What type of deposit or credit references Ms Brunson uses is up to her...apparently she has none because she holds the property owner responsible.

Ms Brunson apparently is also totally unaware who actually owns the property....I have owned this property since October 1999... She thinks the property is owned by John Cúny, and does not even know how to spell my name.

In January of this year she imposed a 28% rate increase on the water service, I believe some property owners are now litigating that increase. She refuses to send paper statements, does not indicate water usage on statements, something I have contacted the state on in the past...and last month's statement she "guesstimated" usage due to standing water...there was no standing water at my hangar...she does create her own rules, holds herself above any regulations, and lets you know "that's the way it is."

How someone like this is allowed to run a utility business in the state of Texas is beyond me.

Any help in clarifying Texas regulations to myself and Ms. Brunson would be greatly appreciated...and if possible recovering the \$112.82 which was extorted from Mr. Forseth and myself. I have reimbursed him for that expense.

Thank you for your time and consideration

SherL Ouren

PO Box 697

Carlsborg, WA 98324



## Platinum Communications Co.

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Customer Name: Platinum Communications Co.

Customer Type:

Main Phone:

Company Name:

Work Phone:

Billing Address: Platinum Communications Co.  
Bob Pulse  
P.O. Box 330254  
Fort Worth, TX 76163

Mobile:

Fax: new renter as 10/06

Main Email:

CC Email:

Website:

Other 1:

Terms: Due on 20th

Price Level:

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### Notes:

08/31/2008 Mailed statement of water account with notice that water service would be terminated unless we received payment for balance \$112.82 by 09/20/2008.

09/21/2008 Water service turned off at hangar 218 and locked.

09/30/2008 Mailed another statement of water account, also mailed one to hangar owners, John Cuny.

10/05/2008 Sheri Oren, John Cuny's girlfriend said renter moved out and they are not responsible for bill.

Explained water service agreement to hangar owners and gave them another copy for their review. Owners claim they will not be responsible for renters water bill. I explained the water would remain off until the past due balance was paid. Sheri Oren slammed phone down on me cussing profusely.

11:48 PM  
06/11/15

Rio Concho Aviation, Inc.  
Customer Balance Detail  
As of December 31, 2008

mailed 6-11-15

Type	Date	Num	Account	Amount	Balance
Platinum Communications Co.					51.46
Payment	01/18/2008	8021	Accounts Receivable	(23.33)	28.13
Payment	01/27/2008	8022	Accounts Receivable	(28.23)	(0.10)
Invoice	01/31/2008	42176	Accounts Receivable	23.23	23.13
Invoice	02/21/2008	42350	Accounts Receivable	5.00	28.13
Invoice	02/29/2008	42416	Accounts Receivable	23.23	51.36
Payment	03/10/2008	8026	Accounts Receivable	(23.23)	28.13
Invoice	03/31/2008	42613	Accounts Receivable	23.23	51.36
Payment	04/11/2008	8030	Accounts Receivable	(23.23)	28.13
Invoice	04/30/2008	42861	Accounts Receivable	23.23	51.36
Invoice	05/21/2008	42834	Accounts Receivable	5.00	56.36
Invoice	05/31/2008	43081	Accounts Receivable	23.23	79.59
Payment	06/02/2008	8841	Accounts Receivable	(23.23)	56.36
Invoice	06/30/2008	43292	Accounts Receivable	23.23	79.59
Invoice	07/21/2008	43480	Accounts Receivable	5.00	84.59
Invoice	07/31/2008	43524	Accounts Receivable	23.23	107.82
Invoice	08/21/2008	43697	Accounts Receivable	5.00	112.82
Total Platinum Communications Co.				61.36	112.82
TOTAL				61.36	112.82

j.b. cuny @ att.net  
112.82

MR SHERLOUREN  
PO BOX 697  
CARISBORG WA 98324

7-22-15 Jason Dawson  
said case is closed, no  
refund to be given to  
Sheryl because she did  
not pay bill, Victor did.  
They had not received a  
call from her and no one  
from PIC talked to her about ref.

**Donna L. Nelson**  
Chairman

**Kenneth W. Anderson, Jr.**  
Commissioner

**Brandy Marty Márquez**  
Commissioner

**Brian H. Lloyd**  
Executive Director



**Greg Abbott**  
Governor

## *Public Utility Commission of Texas*

7/14/2015

Mr Sherl Ouren  
PO Box 697  
Carisborg WA 98324

RE: Complaint # CP2015060610

Dear Mr Ouren:

The Customer Protection Division (CPD) has received your complaint filed against Rio Concho Aviation (Rio Concho). In your complaint you expressed concern regarding charges assessed by Rio Concho. You stated a new tenant of your property at 218 Aviator Dr. in Fort Worth, Texas was denied service until payment for a previous tenant's account was remitted. You also stated Rio Concho has failed to issue monthly invoices.

With the information provided, CPD has contacted Rio Concho with a request to research your complaint and file their response to your concerns. Today, CPD has reviewed the company's response and determined the following.

Rio Concho's records indicate an unpaid balance in the amount of \$112.82 was left by a previous renter of your premise, in 2008. Copies of the unpaid invoices were previously mailed. Rio Concho stated you were advised, as the property owner, you were responsible for any unpaid balance and were advised service would not be reconnected until sufficient payment was received.

Rio Concho's records also indicate they were contacted by a renter, to establish service at 218 Aviator Dr in Fort Worth, Texas. They were directed to contact John Cuny, who was on file as the property owner, to remit payment of the previous unpaid balance. The renter agreed to remit payment and service was connected accordingly.

CPD has completed our investigation regarding your complaint. We have determined Substantive Rule §24.84 Service Applicant and Customer-Deposit (c) states in the cases of landlord/tenant relationships, Rio Concho may require both parties to sign an agreement specifying which party is responsible for bills and deposits. Rio Concho has provided no record such agreement was signed.

Sherl Ouren  
Tuesday, July 14, 2015  
Page 2

CPD has also determined Substantive Rule §24.83 Refusal of Service (c) (1) prohibits the refusal to connect service, due to an outstanding balance owed by a previous occupant. With the information provided, CPD is unable to determine Rio Concho refused to establish service for your account. If you have additional concerns regarding your account, please provide CPD with copies of your invoices along with a detailed explanation of your concerns.

Thank you for the opportunity to address your concerns. If we can assist you with future utility concerns, please contact us toll free through our Customer Assistance Call Center at 1-888-782-8477.

Sincerely,

Customer Protection Division  
Public Utility Commission of Texas

cc: Rio Concho

Dear Customer,

Please take a moment to read this brief update concerning the water system that serves your hangar property.

First, we are pleased to report the implementation of new software for your water account. We purchased it with the goal of making it easier for you to keep track of your water billing. You can monitor your water usage and auto pay if you like. By now, you should have received a separate notice on it, but if this is news to you, give us a call and we will get you up to speed. We are hopeful it will save everyone, including us, a lot of time and it should benefit all of us in the long run.

Second, there have been a few leaks recently that are worth mentioning. You already know a leaking flapper valve on a toilet can waste 5,000 gallons in a month, but one of our customers recently discovered a similar size leak under his flatwork (thankfully not under his slab), where a PVC joint was leaking. It had not been glued properly and the soil had moved enough from the recent rains to pull the joint apart.

Likewise, Rio Concho hired a leak detection company to check the water distribution lines and we are pleased we did. Two leaks were found and fixed. Again, as the soil moves, so do the lines, and we are thankful those leaks were small and easy to repair.

If you think your water usage is higher than it should be, then do this: Turn off all faucets and toilet valves, then go out to your water meter and look to see if the little red wheel on your meter is spinning. Watch it for a few minutes. If you see movement, then you probably have a leak somewhere. If you suspect this to be the case, then it's time to call a leak detection company. If you need one and aren't sure who to call, then let us know and we'll point you in the right direction.

Speaking of water usage, we are pleased to report that our customers are making a conscious effort to use less, continuing a trend that began in January with the implementation of the new water rates. Even though the airport is nearing full development, the well is utilized at 28 percent of pumping capacity, and we have enough storage capacity to allow the well to have maintenance or a replacement pump without disruption of water service.

Some customers have recently complained of low water pressure at their hangar, particularly in the morning hours. We recently performed some flow and pressure tests from 5 am to 10 am and found water demand never exceeded a single pump's capacity to raise the system pressure from the bottom of its operating range to the top of the range within 7 minutes run time. Moreover, the pump was only required to run two to three times an hour between those hours.

Since there is a second pump that can come on to double flow volume of the system should demand require it, maintaining volume and pressure to the 6 inch main distribution line is not the issue; the existing pump system is more than adequate to meet the water demand during peak periods. So, to try to help those customers with issues at their hangars, we have raised the low end of the operating pressure 5 psi. Hopefully this will help if you experience low water pressure or low volume at your hangar, but remember, there is now a minimum of over 40 psi at your water meter, and what happens on your side of the meter is between you and your plumber.

Sincerely,

Rio Concho Aviation, Inc.