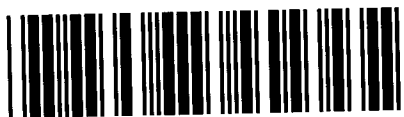


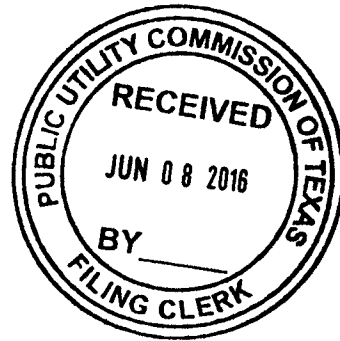


Control Number: 46047



Item Number: 1

Addendum StartPage: 0



Appeal of the Cost of Obtaining Service from a Water Supply Corporation (WSC)

Docket No. **46047**

(this number will be assigned by the Public Utility Commission after your appeal is filed)

This appeal is pursuant to Texas Water Code §13.043(g) and Public Utility Commission's (PUC or commission) Substantive Rule §24.41(g)

Water Service Provider

Name: NOACK WATER Supply Corp Water Supply Corporation
PO Box 323 THALL TEX 512-3522005
(Address) City, State, Zip Code (Area Code/Number)

Applicant

Name: mark Groba
(Address) City, State, Zip Code (Area Code/Number)

Cost of Obtaining Service

If a breakdown of the cost is available:

Membership Fee \$ transfer to me when I Bought the property
Tap Fee \$ paid for was taken out STOLEN
Extension Charges \$ _____
Capital Contribution \$ _____
Other Charges \$ 150.00
Total Cost of Obtaining Service \$ 0.00 150.00

Additional Information

Date application for service submitted to WSC: March 21, 2016

Date written estimate of charges received: March 21, 2016

Mark Groba
Signature of Applicant

The Public Utility Commission

RECEIVED

2016 JUN -8 AM 10: 59

This is a complaint about Noack water. When I bought my property it had a water tap, a meter box. Noack water said I had a leak and they took it all out.

Then I asked for two programs, and I did an open records act and it said on "October 1, 2015, the Noack WSC Board approved the installation of an emergency livestock meter elm for the cost of installation for \$150 for customers with existing taps.

Attached is a copy of the board minutes from the October 1, 2015 meeting. Since that action, Noack W.C. installed one ELM for Curtis Neidig for a cost of \$150. Mr. Neidig had an existing tap and no meter box, no additional information responsive to my request could be found.

My request was asking if they informed other members about this program, and they did not. I don't think this is fair, as I wanted to sign up for this program also.

I feel like they took my tap out that was paid for. I want a tap and water meter installed on my property on County Road 450 so I can put part of my livestock over there, as my pond will not hold water on that property and I don't have water to put my livestock over there.

I also asked the board at the March 3 meeting about a program that they had for livestock where you could get a meter and a tap for \$600. They said they no longer have that program, but did not tell the members about that either. They said in the meeting that only the board members got it. I requested the open records act minutes for the March 3 meeting and still have not received it. I filed a complaint with the attorney general's office and they are investigating it.

I am sending \$150 for a meter, as I feel I have already paid for the tap to the Noack Water District, as they took my meter box and my tap out without my permission, and it was already paid for.

Please call me when the hearing is set so I can attend and let me know where it will be held.

Sincerely,



Mark D. Groba

Subject: Re: Noack WSC Response to Open Records Request
From: Sam Jones (samj752@yahoo.com)
To: mdg1952@att.net;
Date: Wednesday, March 30, 2016 9:05 AM

As stated in my earlier response, we were not able to locate any information in our records to say whether a notice was given or not or to whom a ELM was provided prior to 2015. The minutes of March 3, 2016 have not been approved by the board. They will be acted on at our next meeting.

On Monday, March 28, 2016 9:28 PM, Mark Groba <mdg1952@att.net> wrote:

MR JONES YOU DID NOT ANSWER MY QUESTION WHEN DID YOU INFORM NOACK MEMBER ABOUT THIS PROGRAM ALSO AT THE LAST MEETING I UNDERSTAND THAT STEVE MR FISHER AND TERRY ALL GOT ON THIS PROGRAM I WOULD LIKE A COPY OF THE MINUTES OF MARCH 3 2016 OPEN RECORD REQUEST MARCH 28 2016

On Monday, March 28, 2016 8:58 AM, Sam Jones <samj752@yahoo.com> wrote:

On March 18, 2016, you wrote:

"I AM STILL WAITING FOR THE LETTER YOU SAID YOU WERE GOING TO WRITE ME FOR TAKING UP MY WATER TAP ON MY PROPERTY ALSO OPEN RECORD REQUEST I WOULD LIKE TO KNOW ALL THE PEOPLE NAME AND THE AMOUNT THEY PAID FOR THE LIVESTOCK WATER METER FOR WHEN THEIR TANK WENT DRY ALSO WHEN YOU INFORM NOACK MEMBER OF THIS PROGRAM ALL DATE WHEN THEY WERE NOTIFY ABOUT THIS CALL ME WHEN YOU HAVE THIS INFORMATION READY TO PICK UP THANKS MARK GROBA 512 3525884 MARCH 18 2016"

In response, after researching our records, we offer the following:

On October 1, 2015, the Noack WSC board approved the installation of an emergency livestock meter (ELM) for the cost of installation(\$150 for those customers with existing taps). Attached is a copy of the board minutes from the October 1, 2015 meeting. Since that action, Noack WSC installed one ELM for Curtis Neidig for a cost of \$150. Mr. Neidig had an existing tap and meter box. No additional information responsive to your request could be found.

Sam Jones
President Noack WSC

Subject: Re: NOACK - By-Laws
From: Sam Jones (samj752@yahoo.com)
To: mdg1952@att.net;
Date: Monday, March 21, 2016 11:42 AM

Mark, I have attached a letter response in regard to the pulled meter. We will respond to your open records request by separate letter.

On Friday, March 18, 2016 6:35 AM, Mark Groba <mdg1952@att.net> wrote:

I AM STILL WAITING FOR THE LETTER YOU SAID YOU WERE GOING TO WRITE ME FOR
TAKEING UP MY WATER TAP ON MY PROPERTY ALSO OPEN RECORD REQUEST I
WOULD LIKE TO KNOW ALL THE PEOPLE NAME AND THE AMOUNT THEY PAID FOR
THE LIVESTOCK WATER METER FOR WHEN THEIR TANK WENT DRY ALSO WHEN YOU
INFORM NOACK MEMBER OF THIS PROGRAM ALL DATE WHEN THEY WERE NOTIFY
ABOUT THIS CALL ME WHEN YOU HAVE THIS INFORMATION READY TO PICK UP
THANKS MARK GROBA 512 3525884 MARCH 18 2016

On Tuesday, February 9, 2016 3:14 PM, Sam Jones <samj752@yahoo.com> wrote:

On Monday, February 8, 2016 8:41 AM, Sam Jones <samj752@yahoo.com> wrote:

Mark, attached is a copy of our Tariff & By-laws. I told you wrong on the date of our next meeting. We meet on the first Thursday of the month. Our next board meeting will be Thursday, Mach 3rd.
Thanks,

Sam Jones
512/826-6941
Email: samj752@yahoo.com

Attachments

- 2016-3-21 Ltr Resp Groba042.pdf (131.66KB)

NOACK WATER SUPPLY CORPORATION
P. O. BOX 323
Thrall, Texas 76578
Phone: 512/352-2005

March 21, 2016

Mr. Mark Groba
mdg1952@att.net
Sent by email

Re: Request for water service to serve tract located at 1331 CR 448.

Dear Mr. Groba,

Thank you for attending our board meeting on March 3, 2016. This letter is to follow up with our response to your request for documentation about a meter that was existing on the property at the time of your purchase and later pulled by Noack without notification to you. We acknowledge that a meter did exist on this tract and water service can be reinstated but past due minimum payments will have to be paid. We will waive the meter and meter installation charge if you request service within a reasonable time.

According to the deed records, you purchased the tract by deed dated August 12, 2003. The meter apparently existed at that time; however, no use has since been recorded and no transfer of the stock certificate into your name has been made. You advised the board that you received nothing from Noack WSC, you received no water bill for the meter and you used no water from the meter. Because of a leak at the service connection, Noack WSC later had a contractor pull the meter and repair the leak.

In response to your request we have searched our records and can not find any record on the stock certificate. We acknowledge that a meter did exist but have to assume that no minimum payments were made to keep the certificate in good standing nor was a request for transfer ever made. Section 2, Paragraph 3(b) of Noack WSC's tariff states:

"Re-Service – In the event an application is made for service on property where service previously existed, and for which an inactive account exists, the Corporation shall charge the Membership Fee and labor and materials costs necessary to restore service. In addition, the Corporation shall charge accumulated Reserved Service Fees which have been entered on the in-active account as monthly debits for the purpose of allowing the Corporation to recover the costs of reserving capacity at the location for which re-service has been requested. If restoration of service is not requested, this fee will accumulate monthly until the total balance of Reserved Service Fees equals the amount of the Front-end Capital Contribution previously paid for service to the property. At such

time, all service equipment shall be removed by the Corporation and all subsequent service requests shall be treated as new applications. (*emphasis added*)”

At such time as service is requested, compliance with this provision will be required and a water service contract will have to be executed.

The minimum monthly fees from the date of your deed are calculated as follows:

Minimum Monthly Fee				Totals	
From	To	Fee	Months	Required Fee	
9/1/2003	8/1/2014	\$ 25.00	131	\$	3,275.00
8/1/2014	4/1/2015	\$ 25.00	8	\$	200.00
4/1/2015	4/1/2016	\$ 40.00	12	\$	480.00
				\$	3,955.00

This exceeds the amount of our current Capital Recovery Fee for new service which is \$3500.00 which makes a request for new service more economical for this situation. As stated before, we will waive the \$500 new meter fee if a request for service is made (within the next 12 months).

Sincerely,



Sam Jones, President
Noack Water Supply Corporation