

Control Number: 46187



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DANNY CHAPMAN'S APPEAL OF THE §
COST OF OBTAINING SERVICE FROM §
SEABOARD WATER SUPPLY §
CORPORATION IN SAN PATRICIO §
COUNTY §

PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

COMMISSION STAFF'S LIST OF ISSUES

COMES NOW the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this List of Issues. In support thereof, Staff states the following:

I. BACKGROUND

On July 20, 2016, Danny Chapman filed a petition with the Public Utility Commission of Texas (Commission) appealing the decision of Seaboard Water Supply Corporation (Seaboard) for the cost of obtaining service. This appeal is governed by Tex. Water Code § 13.043(g) (TWC) and 16 Tex. Admin. Code § 24.41(g) (TAC). Mr. Chapman stated that the cost to obtain service from Seaboard Water Supply Corporation was \$2,598. Mr. Chapman requests a refund in the amount of \$848, which includes both the \$125 inspection fee and the difference of \$723 between the quotes for cost of installation from Mr. Chapman's contractor and Seaboard's contractor.

On February 6, 2017, the Commission issued an Order of Referral, referring this docket to the State Office of Administrative Hearings and establishing a deadline of February 17, 2017 by which Staff may file a list of issues. Therefore, this pleading is timely filed.

II. PROPOSED LIST OF ISSUES

Staff submits the following issues for consideration in this proceeding:

1. Was the \$2,223 Connection Fee charged by Seaboard to Mr. Chapman a "tap fee" within the meaning of TWC § 13.043(g)?
2. If the Connection Fee is a tap fee, was the Connection Fee a "regular" tap fee that is removed from Commission jurisdiction pursuant to TWC § 13.043(g)?

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3. If the Connection Fee was not a “regular tap fee” within the meaning TWC § 13.043(g), was that Connection Fee reasonably related to the cost of installing on-site and off-site facilities to provide service to that applicant in accordance with the requirements of TWC § 13.043(g) and just and reasonable in accordance with the requirements of TWC § 13.043(j)?
4. Was the Connection Fee charged by Seaboard to Mr. Chapman consistent with Seaboard’s tariff, in accordance with the requirements of TWC § 13.043(g)?
5. Was the Connection Fee charged by Seaboard to Mr. Chapman clearly unreasonable under TWC § 13.043(g)? If the amount was clearly unreasonable, what amount should Mr. Chapman be required to pay?
6. Does Seaboard’s tariff address the charging of an inspection fee to an applicant for service?
7. Was the \$125 Inspection Fee charged by Seaboard to Mr. Chapman associated with the inspection mandated by 30 TAC § 290.46(j)? If so, was the form associated with that provision completed following the inspection of Mr. Chapman’s property and was the form submitted to the Texas Commission on Environmental Quality (TCEQ)?
8. Was the Inspection Fee a “membership or tap fee” within the meaning of TWC § 13.043(g)?
9. If the Inspection Fee is a membership or tap fee, was the Inspection Fee a “regular” membership or tap fee that is removed from Commission jurisdiction pursuant to TWC § 13.043(g)?
10. Was the Inspection Fee reasonably related to the cost of installing on-site and off-site facilities to provide service to that applicant in accordance with the requirements of TWC § 13.043(g) and just and reasonable in accordance with the requirements of TWC § 13.043(j)?
11. Was the Inspection Fee charged by Seaboard to Mr. Chapman consistent with Seaboard’s tariff, in accordance with the requirements of TWC § 13.043(g)?
12. Was the Inspection Fee charged by Seaboard to Mr. Chapman clearly unreasonable under TWC § 13.043(g)? If the amount was clearly unreasonable, what amount, if any, should Mr. Chapman be required to pay?
13. If Seaboard violated its tariff, any Commission rule, or the Texas Water Code, what remedy is appropriate?

III. CONCLUSION

Staff respectfully requests that the Commission issue a preliminary order including the above issues to be addressed.

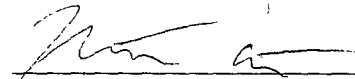
DATE: February 17, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

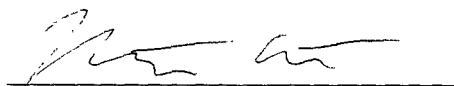


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SOAH DOCKET NO. 473-17-2564.WS**

CERTIFICATE OF SERVICE

I, Matthew Arth, Staff attorney for the Public Utility Commission of Texas, certify that a copy of this document will be served on all parties of record on February 17, 2017 in accordance with the requirements of 16 Tex. Admin. Code § 22.74.


Matthew A. Arth