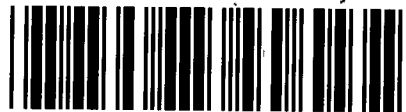




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<p><b>COMPLAINT OF CHERELLE ROBERTS AGAINST HORNSBY BEND UTILITY COMPANY</b></p>	<p>§ § § § § § §</p>	<p><b>PUBLIC UTILITY COMMISSION OF TEXAS</b></p> <p>2017 JAN -3 PM 1:35 PUBLIC UTILITY COMMISSION FILING CLERK</p>
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**COMMISSION STAFF'S STATEMENT OF POSITION**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Statement of Position in response to Order No. 1, and would show the following:

**I. Background**

On December 1, 2016, Cherelle Roberts filed a complaint against Hornsby Bend Utility Company (Hornsby Bend) regarding billing and related charges. The complaint was filed under 16 Texas Administrative Code (TAC) § 22.242. On December 5, 2016, the Commission Administrative Law Judge (ALJ) issued Order No. 1 requiring Hornsby Bend to respond to the filing no later than December 27, 2016 and requiring Staff to file a statement of position by January 3, 2017.

**II. Compliance with the Requirements of Informal Resolution**

The Commission's procedural rules require that a complaint against a utility must first be presented to the Commission for informal resolution.<sup>1</sup> In Order No. 1, the ALJ directed Staff to confirm whether complainant has complied with all the requirements for informal resolution. Before filing this complaint, Complainant filed an informal complaint that is noted in Customer Protection Division (CPD) records as Complaint No. CP2016100321. On November 16, 2016, CPD closed the informal complaint without being able to resolve the issue. Therefore, the complaint has complied with the informal complaint requirements of 16 TAC § 22.242(c).

<sup>1</sup> 16 TAC § 22.242(c) ("a person who is aggrieved by the conduct of an electric utility or telecommunications utility or other person must present a complaint to the commission for informal resolution before presenting the complaint to the commission.")

### **III. Ms. Roberts's Complaint**

In the complaint, Ms. Roberts states that Hornsby Bend charged her \$100 for a disconnection fee in addition to late charges.<sup>2</sup> Ms. Roberts asserts that she never received the bill and disconnect notice.<sup>3</sup> Ms. Roberts stated that she spoke to her local post office which reported receiving return mail from her neighbor's house.<sup>4</sup> Ms. Roberts also claims that Hornsby Bend had notice of the improper delivery because she called them and was told they would investigate.<sup>5</sup>

### **IV. Hornsby Bend's Response**

In its response, Hornsby Bend states that all billing invoices it sent were mailed to Ms. Roberts's address.<sup>6</sup> Hornsby Bend asserts that the bills are sent to the same address at the same time each month, and that her bills are available online.<sup>7</sup> Hornsby Bend states that the only certified letter it sent to Ms. Roberts was its response to her informal complaint with the Commission.<sup>8</sup> Hornsby Bend also asserts that it mailed the disconnection notice to Ms. Roberts at the address on file.<sup>9</sup> Hornsby Bend also asserts that a \$100 deposit request for reconnection of service was justified under 16 TAC § 24.84.<sup>10</sup> As support, Hornsby Bend includes in its response copies of the last twelve monthly invoices, a copy of its tariff, and a copy of the disconnection notice.

### **V. Staff's Statement of Position**

There is an issue of fact regarding whether Hornsby Bend properly billed the complainant and properly notified her prior to disconnecting her service. Due to these outstanding facts, Staff recommends that Hornsby Bend's request to dismiss the complaint and close the docket remain pending at this time. Instead, Staff recommends that this proceeding be referred for a hearing at the State Office of Administrative Hearings (SOAH).

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2 Complaint, at 1.

3 Id.

4 Id.

5 Id.

6 Response, at 1.

7 Id.

8 Id. at 2.

9 Id.

10 Id.

**VI. Conclusion**

For the foregoing reasons, Staff respectfully requests referral to SOAH.

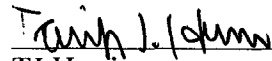
Dated: January 3, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Stephen Mack  
Managing Attorney



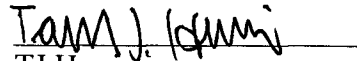
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**DOCKET NO. 46627**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on January 3, 2017 in accordance with 16 TAC § 22.74.

  
TJ Harris