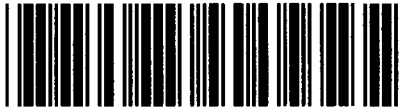


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**DOCKET NO. 46923**  
**SOAH DOCKET NO. 473-17-5770.WS**

2017 OCT -3 AM 9:59

APPLICATION OF WOLFE AIRPARK CIVIC CLUB, INC. TO OBTAIN A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN BRAZORIA COUNTY	§ § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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**WOLFE AIRPARK CIVIC CLUB, INC.'S REQUEST FOR  
PRODUCTION OF DOCUMENTS TO JOE WALKER**

Wolfe Airpark Civic Club, Inc. submits this Request for Production of Documents to Joe Walker pursuant to Texas Administrative Code, Title 16, Part II, Chapter 22, Section 22.141 and following. Applicant requests that Joe Walker produce all of the documents in his possession that relate to the issues raised by his complaint and that correspond to the statement of issues to be addressed submitted by the PUC.

**In Reference to Your Complaint Dated August 11, 2017**

Please produce all documents that support your contentions as follows:

- 1.a. Applicant does not have the legal authority to bill for water service.
- 1.b. The Deed Restrictions only allow for the charge for water if the subdivision is ever "connected" to a "State Approved Water System".
- 1.c. The intent that if a legal entity such as the City of Manvel ever required the subdivision to connect to a municipal water system the usual water charges would apply.
- 1.d. The current small "Public Water System" owned and operated by our subdivision does not IN ANY WAY meet the State requirements of a "State Approved Water System".
2. Documents to support your claim that Applicant falsified information submitted to the TCEQ giving rise to the current lawsuit Wolfe Airpark v Priddy, Et. Al., Case No. 23769 in District Court at Angleton, Texas.

- 3.a. Documents to support your claim that the Civic Club is improperly charging for water in violation of State Law by charging monthly fees for water service when no water meters exist.
- 3.b. Documents to support your claim that the Civic Club is improperly charging for water in violation of State Law for any other reason.
- 3.c. All notifications from the TCEQ indicating that Wolfe Airpark existing water system cannot charge for water use without the use of water meters regardless of the status of ownership of the water system.
- 3.d. Documents from 1981 to present stating that Wolfe Airpark has been notified by the State that no CCN exists and the direct charge for water is prohibited.
- 3.e. Documents supporting your claim that the number of actual connections, has long been greater than that reported to the State.
  
- 4.a. Documents supporting your claim that Wolfe Airpark formed an illegal encumbrance upon the property owned by Wolfe Airpark lot owners.
- 4.b. Documents supporting your claim that the deed restrictions allow the lot owners to use all of the subdivision's facilities including the water system without charge.
  
- 5.a. Documents supporting your claim that the individuals selling the water have falsified to the lot owners that the Public Water System is a State Approved Water System since the Public Water System has been inspected by the TCEQ.
- 5.b. Documents supporting your claim that these individuals have claimed falsely to the Court and to the lot owners at large that an inspected water system is by definition as "State Approved Water System".
- 5.c Documents that state the specific requirements that you contend for a system to be a "Texas State Approved Water System".
  
- 6. Documents supporting your contention that the application is an attempt by the Civic Club to circumvent the authority of the State District Court which is currently litigating their authority to bill for water at Wolfe Airpark.
  
- 7. Documents supporting your claim that you are being damaged by being charged for the use of water illegally.
  
- 8. Documents supporting your claim that you are being damaged by the liability of your property being illegally operated for the benefit of non lot owners of my subdivision.

**Your List of Proposed Issues Dated August 8, 2017 (September 8, 2017?)**

Please provide all documents to support your contentions as follows:

1. The Applicant does not have a legal right to bill users.
2. The standards you contend are required for meeting a “Texas State Approved Water System”.
3. The standards that you contend support your assertion that Wolfe Airpark water system does not meet a “State Approved Water System”.
4. Documents supporting your definition of the legal requirements for a “Public Water Supply”.
5. Documents supporting your definition of the legal requirements of an “Airpark State Approved Water System”.
6. Documents supporting your contention that the Applicant is selling water to Wolfe Airpark lot owners and properties outside of Wolfe Airpark in defiance of directives by the TCEQ.

**List of Issues in the PUC Pre-Trial Order**

Please produce any documents that support your objections to Applicant’s request for CCN regarding the following matters.

1. Has Wolfe Air Park given notice consistent with TWC § 13.246 and 16 Texas Administrative Code (TAC) § 24.106?
2. Does Wolfe Air Park's requested water service area overlap with the certificated service area of other entities? If so, what specific areas will overlap? Has Wolfe Air Park received appropriate consent to provide water service within the entities' service boundaries?
3. What modifications, if any, must be made to Wolfe Air Park's requested area to reflect land removed from the requested area because of a qualified landowner's election to exclude some or all of the landowner's property pursuant to TWC §§ 13.2451(b) and 13.246(h) and 16 TAC§ 24.102(h)?

4. Does Wolfe Air Park possess the financial, managerial, and technical capability to provide continuous and adequate water service? TWC § 13.241(a) and 16 TAC§ 24.102(a).
5. Does Wolfe Air Park possess a TCEQ-approved public water system that is capable of providing drinking water that meets the requirements of Texas Health and Safety Code, chapter 341, TCEQ rules, and the Texas Water Code? TWC § 13.241(b)(1) and 16 TAC § 24.102(a)(1)(A).
6. Does Wolfe Air Park have access to an adequate supply of water or a long-term contract for purchased water with an entity whose system meets the requirements of 16 TAC § 24.102(a) (1) (A)? TWC § 13.241 (b)(2) and 16 TAC§ 24.102(a)(1)(B).
7. Would the requested water service area require construction of a physically separate water system? If so, has Wolfe Air Park proven that regionalization or consolidation with a retail public utility for water service is not economically feasible? TWC § 13.241(d) and 16 TAC§ 24.102(b).
8. Is the requested water certificate necessary for the service, accommodation, convenience, or safety of the public? TWC § 13.246(b) and 16 TAC§ 24.102(c).
9. Does the balance of factors under TWC § 13.246(c) and 16 TAC§ 24.102(d) weigh in favor of granting the requested water certificate? In answering this issue, please address the following sub-issues:
  - a. Is the requested water service area currently receiving adequate water service? TWC § 13.246(c)(1) and 16 TAC§ 24.102(d)(1).
  - b. Does the requested water service area need additional water service? TWC § 13.246(c)(2) and 16 TAC§ 24.102(d)(2).
    - i. Have any landowners, prospective landowners, tenants, or residents requested water service?
    - ii. Are there economic needs for additional water service?
    - iii. Are there environmental needs for additional water service?
    - iv. Are there written applications or requests for water service?

- v. Are there reports or market studies demonstrating existing or anticipated growth in the area?
- c. What is the effect under TWC § 13.246(c)(3) and 16 TAC § 24.102(d)(3) of granting the requested water certificate on
  - i. Wolfe Air Park,
  - ii. landowners in the requested service areas, and
  - iii. any retail public utility that provides the same service and that is already serving any area within two miles of the boundary of the requested area?
- d. Does Wolfe Air Park have the ability to provide adequate water service, including meeting the standards of the TCEQ and the Commission, taking into consideration the current and projected density and land use of the requested area? TWC § 13.246(c)(4) and 16 TAC § 24.102(d)(4).
- e. What is the feasibility of obtaining water service from an adjacent retail public utility? TWC § 13.246(c)(5) and 16 TAC § 24.102(d)(5).
- f. Is Wolfe Air Park financially able to pay for the facilities necessary to provide continuous and adequate water service? TWC § 13.246(c)(6) and 16 TAC § 24.102(d)(6).
- g. Is Wolfe Air Park financially stable including, if applicable, its debt-to-equity ratio? TWC § 13.246(c)(6) and 16 TAC § 24.102(d)(6).
- h. How would environmental integrity be affected, if at all, by granting the requested water certificate? TWC § 13.246(c)(7) and 16 TAC § 24.102(d)(7).
- i. Is it probable that water service would be improved or costs to consumers in that area would be lowered by granting the requested certificate? TWC § 13.246(c)(8) and 16 TAC § 24.102(d)(8).

- j. How would the land in the requested service area be affected, if at all, by granting the requested area? TWC § 13.246(c)(9) and 16 TAC§ 24.102(d)(9).
- 10. Should the Commission require Wolfe Air Park, pursuant to TWC § 13.246(d) and 16 TAC § 24.102(e), to provide a bond or other financial assurance to ensure that continuous and adequate water service is provided?
- 11. If applicable, what were Wolfe Air Park's efforts to:
  - a. extend water service to any economically distressed area, within the meaning of TWC § 15.001, located within Wolfe Air Park's certificated service area; and
  - b. enforce rules adopted under TWC § 16.3 3, regarding minimum standards for safe and sanitary water supply? TWC § 13.246(e).

**Applicant's Pending Motion to Dismiss Joe Walker's Complaint**

Please produce any documents that you contend rebut the elements of Applicant's pending Motion to Dismiss as follows:

- 1. Walker's complaint regarding Applicant's authority under the Deed Restrictions is incorrect and invalid;
- 2. Walker's complaint regarding water meters is incorrect;
- 3. Walker's complaint regarding prior TCEQ oversight is incorrect; and
- 4. Walker's complaint regarding the service area map is invalid.

Respectfully submitted,

*/s/John C. Hampton*

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BY:

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**CERTIFICATE OF SERVICE**

I certify that a true copy of this document, together with any attachments, has been served on October 2, 2017 on the Legal Division of the Texas PUC by serving Ashley Nwonuma via email [ashley.nwonuma@puc.texas.gov](mailto:ashley.nwonuma@puc.texas.gov), and on Joe Walker via email [joewalk@hal-pc.org](mailto:joewalk@hal-pc.org).

*/s/John C. Hampton*

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JOHN C. HAMPTON