



Control Number: 47279



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PUBLIC UTILITY COMMISSION
CLERK

OPEN MEETING COVER SHEET

MEETING DATE: September 28, 2017

DATE DELIVERED: September 21, 2017

AGENDA ITEM NO.: 41

CAPTION: Docket No. 47279; SOAH Docket No. 473-17-5772.WS - Complaint of Wes Anderson, et al. Against Quadvest LP, Quadvest Inc., Ranch Utilities Corp., and Ranch Utilities, LP

ACTION REQUESTED: Discussion and possible action with respect to Preliminary Order

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Commissioner

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Commissioner

Brian H. Lloyd
Executive Director



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Governor

Public Utility Commission of Texas

TO: Chairman DeAnn T. Walker
Commissioner Kenneth W. Anderson, Jr.
Commissioner Brandy Marty Marquez

All Parties of Record

FROM: Carsi Mitzner, Commission Advising

RE: *Complaint of Wes Anderson, et. al. Against Quadvest, L.P.; Quadvest, Inc.;
Ranch Utilities Corp.; and Ranch Utilities, L.P., Docket No. 47279, SOAH
Docket No. 473-17-5772.WS, Draft Preliminary Order September 28, 2017
Open Meeting Agenda Item No. 41*

DATE: September 21, 2017

Please find enclosed the draft preliminary order filed by Commission Advising in the above-referenced docket. The Commission will consider this draft preliminary order at the September 28, 2017 open meeting. Parties shall not file responses or comments addressing this draft preliminary order.

Any modifications to the draft preliminary order that are proposed by one or more Commissioners will be filed simultaneously prior to the consideration of the matter at the September 28, 2017 open meeting.

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**PUC DOCKET NO. 47279
SOAH DOCKET NO. 473-17-5772.WS**

COMPLAINT OF WES ANDERSON, ET. AL. AGAINST QUADVEST L.P.;	§	PUBLIC UTILITY COMMISSION
QUADVEST, INC.; RANCH UTILITIES	§	
CORP.; AND RANCH UTILITIES, L.P.	§	OF TEXAS

DRAFT PRELIMINARY ORDER

On June 1, 2017, thirty customers filed a complaint against Quadvest, L.P., Quadvest, Inc., Ranch Utilities Corp., and Ranch Utilities, L.P. (collectively referred to as Quadvest) alleging inaccurately-metered water usage and related inaccurate billing after the installation of smart meters. This preliminary order identifies the issues that must be addressed in this proceeding.

Many of these complainants were dismissed for failure to complete the informal complaint process in Docket No. 46439.¹ That proceeding involves the same facts but different complainants. On August 7, 2017, the Commission's administrative law judge dismissed all complainants in this proceeding other than Ethel Barrett, Gail Stephens Acebo, Mary Erato, Gladys Floyd, Randolph Hansen, Allyn Watkins, Jill Westbrook, Fang Yiu, Ashley Sanders, Paul Gardaphe, Richard Deming, and Martin Leo for failure to comply with the informal resolution requirements of 16 Texas Administrative Code (TAC) § 22.242(c).² The judge also denied the complainants' request that the Commission waive its jurisdiction over this matter.³

This case was referred to the State Office of Administrative Hearings on August 23, 2017. The complainants and Quadvest were directed and Commission Staff and other interested persons were allowed to file a list of issues to be addressed in the docket by September 8, 2017. Quadvest and Commission Staff timely filed lists of issues. The complainants did not file a list of issues.

¹ *Complaint of Wes Anderson, Et. Al. Against Quadvest L.P., Quadvest, Inc., Ranch Utilities Corp., and Ranch Utilities, L.P.*, Docket No. 46439, Order No. 3 (Dec. 2, 2016) (pending).

² Order No. 3 Denying Request for Jurisdictional Waiver and Dismissing Certain Complainants (Aug. 7, 2017).

³ *Id.*

On September 5, 2017, the administrative law judge consolidated this proceeding with Docket No. 46439 for hearing and issuance of a proposal for decision.⁴ Because this case involves the same facts, the following is the same list of issues as was provided in Docket No. 46439.

I. Issues to be Addressed

The Commission must provide to the administrative law judge (ALJ) a list of issues or areas to be addressed in any proceeding referred to the State Office of Administrative Hearings (SOAH).⁵ After reviewing the pleadings submitted by the parties, the Commission identifies the following issues that must be addressed in this docket:

1. Did Quadvest test the complainants' meters after installation? If so, what was the result?
2. Are the complainants' meters properly reading water usage?
3. Did the tests performed by the manufacturer establish the accuracy of the complainants' meters prior to installation in accordance with 16 TAC § 24.89(f)? What were the results of any tests conducted by the manufacturer on the smart meters installed at the complainants' residences?
4. If the complainants' meters are not properly reading usage, what is the proper bill adjustment to be made, including any appropriate refund, in accordance with 16 TAC § 24.89(g)?
5. What is the Commission-approved pass-through fee under Quadvest's tariff?
6. Is Quadvest correctly billing the complainants for its Commission-approved pass-through fee?
7. If Quadvest is not correctly billing the complainants for its Commission-approved pass-through fee, what is the proper bill adjustment to be made, including any appropriate refund, in accordance with 16 TAC § 24.87(h)?

This list of issues is not intended to be exhaustive. The parties and the ALJ are free to raise and address any issues relevant in this docket that they deem necessary, subject to any limitations imposed by the ALJ, or by the Commission in future orders issued in this docket. The Commission

⁴ SOAH Order No. 1 Consolidating Cases, Canceling Hearing, and Requiring a Proposed Procedural Schedule (Sep. 5, 2017).

⁵ Tex. Gov't Code Ann. § 2003.049(e) (Vernon 2000).

may identify and provide to the ALJ in the future any additional issues or areas that must be addressed, as permitted under Tex. Gov't Code Ann. § 2003.049(e).

II. Effect of Preliminary Order

This order is preliminary in nature and is entered without prejudice to any party expressing views contrary to this order before the SOAH ALJ at hearing. The SOAH ALJ, upon his or her own motion or upon the motion of any party, may deviate from this order when circumstances dictate that it is reasonable to do so. Any ruling by the SOAH ALJ that deviates from this order may be appealed to the Commission. The Commission will not address whether this order should be modified except upon its own motion or the appeal of a SOAH ALJ's order. Furthermore, this order is not subject to motions for rehearing or reconsideration.

Signed at Austin, Texas the _____ day of _____ 2017.

PUBLIC UTILITY COMMISSION OF TEXAS

DEANN T. WALKER, CHAIRMAN

KENNETH W. ANDERSON, JR., COMMISSIONER

BRANDY MARTY MARQUEZ, COMMISSIONER