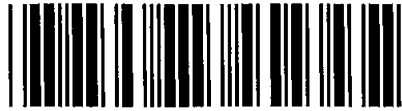




Control Number: 47374



Item Number: 1

Addendum StartPage: 0

47374

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PUBLIC UTILITY COMMISSION
FILING CLERK

June 19, 2017

Public Utilities Commission of Texas

P. O. Box 13326

Austin, TX 78711-3326

To The Honorable Administrative Law Judge

My name is Everett Stratton and I currently reside at 698 CR 057 Jasper, TX 75951. I have owned this property since 1978 and have actually lived here for the last 30 years. When I purchased this property the water system was owned by Sabine Investments and it supplied Westwood subdivision and Concord Ridge subdivision. At or about September 28, 1982 we, Concord Ridge and Westwood subdivisions purchased the water system from Sabine Investments. I have attached a copy of the Memorandum of Contract of Sale. On or about April 28, 1987 a CCN was issued to Upper Jasper County Water Authority described as follows:

Upper Jasper County Water Authority serves Plum Ridge, Concord Hills, a portion of Concord Heights and Sandy Creek Park Subdivision located north of the City of Jasper bounded by the county line of Jasper and Angelina Counties in the eastern tip of Angelina County, Texas.

It does not include Concord Ridge in this description.

I have also included a copy of the U.S.D.A. Forest Service permit that states WWSC provides potable water service to approximately 377 customers in Westwood and Concord Ridge subdivisions. It goes on to say other issues related to both Westwood and Concord Ridge subdivisions.

On or about February 25, 2015 we received a notice from Westwood Water Supply Corporation as also known as WWSC stating "90 day notification and change of water service provider," in which we were instructed that we would be responsible financially for paying for Meter and tap fees plus deposits and other possible fees to have this service put in. Also that our rates would be doubling in

cost for our current water supplier, WWSC starting March 1, 2015. A copy is attached for reference. We were able to file an appeal and they ended up dropping that issue and refunded our monies that we paid on the unlawful increase until the matter was dropped. Now here we are again finding that another order was filed on or about February 21, 2017 stating they WWSC wants a reduction of retail public water utility service stating that we, seven customers, are not covered under CCN No.11764. How can we not be covered under this CCN No. 11764 since we have been under this number way before Upper Jasper County Water Authority also known as UJCWA wasn't even in business. Even if UJCWA CCN No. 12020 was issued wouldn't we be grandfathered in under CCN No. 11764? It is my understanding that the whole reason for this issues is because of a low pressure write up from TCEQ and a possible fine to WWSC if the issue was not fixed. What is to say they kick us off the water system that WE (Westwood and Concord Ridge) paid for that TCEQ doesn't make them fix the pump anyway for their own subdivision as more and more people are purchasing property in both subdivisions. Why when they have their annual water meeting was I the only one who received the notice in my water bill? The other 6 members never received any notice of any meetings. Why when I attended this latest meeting was I told to "shut up they were not going to discuss this issue" not once but 3 times when I tried to find out information about this issue, and I won't repeat the language that was actually used when making these statements telling me to shut up. Now I haven't seen any quotes on getting the issue fixed that the TCEQ requires but it seems a little high at \$100,000.00 for a pump to be installed. There may be more to that issue but I was unable to ask any question on this matter at this annual meeting. I also learned that they have water meetings all throughout the year and we were strongly advised to attend these meetings but I have never received any notice of any other water meetings other than the annual one. Some of the people they have listed in the Notice of Publication in this petition are not even land owners any more. Van Louvin, Justin has sold his property located at Lat./Long (Decimal Degrees) 31.086133, -94.162817 and the new land owners name is Vauter, Justin phone #832-473-2406 email address is jvauter@nses.com. He was told when he went to register with WWSC that they were a welcome customer and that WWSC was trying to get more customers on the water system that WWSC provided in Concord Ridge addition. The land between mine located at Lat./Long (Decimal Degrees) 31.0872, -94.161383 and

Seal, Milton located at Lat./Long (Decimal Degrees) 31.086317, -94.16283 has been sold to Eddins, Justin and unfortunately I don't have his contact information. Eddins, Roy is a customer of WWSC and he is not even listed in the paperwork. It is my understanding that WWSC has not met the requirements laid out by the PUC to make this transfer of water service happen. I realize it is past the 30 days that is stated for an appeal to this process but I am asking your Honor to please look into this unfair justice that is being done to us by bullying us off of the water system that we have paid for. It is further my understanding that WWSC has filed for an extension and it is because of this extension that I am hoping that our voices may still be heard. Your attention in this matter would be greatly appreciated. I am a retired veteran on a fixed income and I cannot afford this nor do I want Upper Jasper County Water Authority service.

I would also like to add that if I were to become incapacitated or die before this issue is resolved that my daughter Cynthia Jean Stratton-Begnaud who is in line to inherit this property be able to speak on my behalf or behalf of this property.

Sincerely yours,

A handwritten signature in cursive script that reads "E. P. Stratton". The ink is dark and the handwriting is fluid, with the first letters of each word being capitalized and prominent.

Everett Stratton

11792

VOL. 350 PG. 319

MEMORANDUM OF CONTRACT OF SALE

THE STATE OF TEXAS X
COUNTY OF JASPER X

SABINE INVESTMENT COMPANY OF TEXAS, INC.
TO 11792
WESTWOOD WATER SUPPLY CORPORATION

THIS AGREEMENT by and between SABINE INVESTMENT COMPANY OF TEXAS, INC., 110 North Temple Drive, Diboll, Texas 75941, herein-after called "SELLER", of Angelina County, Texas, and WESTWOOD WATER SUPPLY CORPORATION, whose address is Route 3, Box 519-118-A, Jasper, Texas 75951, hereinafter called "BUYER",

W I T N E S S E T H :

Seller agrees to sell and convey to Buyer and Buyer agrees to purchase, upon the terms and conditions set forth in that certain instrument of even date herewith executed by Buyer and Seller which instrument is entitled CONTRACT WITH POWER OF SALE AND SECURITY AGREEMENT, the entire water and sewer systems and related machinery and equipment serving the Westwood Subdivision, a Plat of which subdivision is of record in Volume 1, Page 103, Map or Plat Records of Jasper County, Texas, along with all active and/or prepaid taps as of the date of closing and such easements, leases, authorities and real property owned by Seller that are necessary or convenient to the operation of said water and sewer systems.

It is agreed that either party hereto may record the afore-said Contract with Power of Sale and Security Agreement at any time for any reason.

EXECUTED this 28 day of September, 1982.

*I will go back in and
check that Plat of the
subdivision to see if
were on it.*

SABINE INVESTMENT COMPANY OF TEXAS, INC.

By:

H. G. Stubblefield, Jr.
H. G. Stubblefield, Jr., President

WESTWOOD WATER SUPPLY CORPORATION

VOL. 350 PG. 320

THE STATE OF TEXAS X

COUNTY OF ANGELINA X

This instrument was acknowledged before me on the 28th day of September, 1982 by H. G. Stubblefield, Jr., President of Sabine Investment Company of Texas, Inc., a Texas Corporation, on behalf of said Corporation.

Judy Eldridge
NOTARY PUBLIC
My Commission expires: 11-13-85

THE STATE OF TEXAS X

COUNTY OF ANGELINA X

This instrument was acknowledged before me on the 22nd day of August, 1982 by John R. Frank, President of Westwood Water Supply Corporation, a Texas Corporation, on behalf of said Corporation.

Dorothy Rose
NOTARY PUBLIC

My Commission expires: 6-20-1985

Filed for Record 10-1 1982
at 11:40 o'clock A. M.
EVELYN STOTT

Clerk, County Court, Jasper County, Tex.

By David Hous Deputy

DECISION MEMO
WESTWOOD WATER SUPPLY CORPORATION
SPECIAL USE PERMIT
REISSUANCE AND MODIFICATION PROJECT

U.S.D.A. Forest Service
National Forest & Grasslands in Texas
Angelina National Forest
Angelina/Sabine Ranger District
Jasper County, Texas

DECISION

I have decided to authorize:

- 1) the reissuance of Westwood Water Supply Corporation's (WWSC) special use permit for a new term and
- 2) modify WWSC's permit to include the development of a new water well.

WWSC's current permit covers 6.06 acres and includes their potable water facility (storage tanks, buildings, 2 water wells with sanitary control buffers, 3.58 acres) and a water transmission pipeline (2.48 acres). The facilities and pipeline are located within administrative Compartments 78 and 79 on the Angelina National Forest (ANF), Jasper County. WWSC's new proposed water well will be located within their existing potable water facility site thus eliminating the need to disturb a new area or remove any merchantable timber.

Soil exposed while drilling the new water well will be seeded, fertilized, and mulched (if needed) upon completion of approved work. To prevent the introduction and spread of Non Native Invasive Plant Species (NNIPS) to the project area, only an agency approved seeding mixture will be used, straw or hay for mulching will be certified weed free and there will be follow up monitoring of the revegetation work for potential NNIPS. The monitoring and the follow up treatment for NNIPS will be completed in accordance to the 1996 Revised Land and Resource Management Plan for the National Forests and Grasslands in Texas (the Plan) and the 2008 Non Native Invasive Plant Species (NNIPS) Environmental Assessment (EA) for the National Forests and Grasslands in Texas.

PURPOSE OF DECISION

WWSC provides potable water service to approximately 377 customers in the Westwood and Concord Ridge subdivisions located within the administrative boundaries of the ANF in Jasper County TX. WWSC has had a special use permit for their potable water facilities in compartments 78 and 79, ANF, since December 1982. In analyzing WWSC proposal, WWSC was required to look

I have been on this water system since 1978 when it was owned by Sabine Investment. The above date is when Westwood and Concord Ridge bought it from them.

at other potential options (i.e. tying in with another local water authority, developing new well site locations on private surface) to meeting their requested needs. In investigating other potential options, no viable solutions were found. The WWSC water facilities need to be legally authorized and needed improvements made to the facilities to meet associated health and safety needs of the residents of Westwood and Concord Ridge subdivisions.

CATEGORICAL EXCLUSION & EXTRAORDINARY CIRCUMSTANCES

This action is categorically excluded from documentation in an environmental assessment (EA) or an environmental impact statement (EIS) for the following reasons (36 CFR 220.6 (a)):

- 1) Past projects, which are similar to the proposed action, have had no significant effects, individually or cumulatively, and no extraordinary circumstances exist in this proposal that might cause the action to have significant effects upon the human environment.
- 2) This proposal is consistent with and similar to the categories of action which may be excluded from documentation in an EIS or an EA as described in (36 CFR 220.6 (e)(3)).

There are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. Taken into account were resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species - As indicated by the project specific biological evaluation (BE #01-13-02) the proposed action has a determination of "no effect" on any federally listed threatened and endangered species. The proposed action has a determination of "no impacts" on any other Regional Forester's Sensitive Species as a result of the proposed project. This Biological Evaluation is based upon the best available science, including peer-reviewed scientific literature, state and federal agency reports and management input, discussions with scientists and other professionals, and ground-based observations
- Flood plains, wetlands, or municipal watersheds - No floodplains, wetlands, municipal watersheds, congressionally designated areas, inventoried or potential roadless areas, or research projects are involved in the proposed project area (36 CFR 220.6 (b)).
- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas - None are present.
- Inventoried roadless areas or potential wilderness areas - None are present.
- Research natural areas - None are present.
- American Indians and Alaska Native religious or cultural sites and Archaeological sites, or historic properties or areas - As indicated in the Heritage Resources Survey Report, Intensive Cultural Resources Survey of the Westwood Water Supply Corporation Water System Improvements Project, Jasper County, Texas (HJN 080060 AR), the proposed
-

action will have no effect on heritage resources (sites) that are eligible for the National Register of Historic Places (NRHP) or on any other site that has not been evaluated for NRHP eligibility. The State Historical Preservation Officer (SHPO) concurred with this report on March 1, 2012. In accordance with the requirements of the National Historic Preservation Act of 1966 (NHPA), Executive Order 13007, the American Indian Religious Freedom Act (AIRFA), and others, consultation with the Caddo Nation of Oklahoma and The Alabama-Coushatta Tribe of Texas has been conducted and has identified no concerns.

Visual resources will be minimally impacted. The effects on water quality will range from minimal to no effect during the life of this project. In relation to air quality, the proposed actions will not cause the National Ambient Air Quality Standards or Class II Areas to be violated. The effect of this project on climate change has been considered, as well as the effect of climate change on this project. Any resulting greenhouse gas emission would not be measurable on a global scale.

PUBLIC INVOLVEMENT

A scoping letter was mailed to the current list of potentially interested or affected parties on June 13, 2012. This project is denoted as "*Westwood Water Supply Corp Special Use Permit Reauthorization and Modification*" on the Schedule of Proposed Actions. There were no responses from any interested party(s).

The public and internal scoping did not lead to any information that would result in a change of the project Decision. Documentation of public involvement is on file at the District Office on State Highway 21 just east of Milam, Texas.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

The project was designed in conformance with the 1996 Revised Land and Resource Management Plan for the National Forests and Grasslands in Texas.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

As no one submitted an adverse expression of interest to the implementation of this project, this project is not subject to a higher level of administrative review (appeal) pursuant to 36 CFR Part 215.12(e)1.

IMPLEMENTATION DATE

Implementation of this decision may begin immediately.



CONTACT

For further information on this decision, contact District Ranger, William E. Taylor, 5050 State Highway 21 East, Hemphill, TX 74948, phone 409-625-1940.

Mark E. Van Every

2/25/2013

Mark E. Van Every

Date

Forest Supervisor

National Forest & Grasslands in Texas

2221 North Raguet

Lufkin, Texas 75904

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Westwood Water Supply Corporation

317 Wildbriar Drive
Jasper, Texas 75951

February 25, 2015

*****CERTIFIED MAIL*****

(Note: Copy mailed via regular us postal mail)

E. P. Stratton
698 CR 057
Jasper, Texas 75951

RE: 90 DAY NOTIFICATION and CHANGE OF WATER SERVICE PROVIDER

Dear Mr. Stratton:

The Texas Commission on Environmental Quality (TCEQ) recently informed the Westwood Board of Directors that Concord Ridge is not within Westwood Water's district boundaries of Texas as set forth in the Certificate of Convenience and Necessity (CCN).

Westwood Water Supply Corporation must comply and adhere to all policies of the TCEQ, therefore service will be terminated ninety (90) days from the date of this letter.


Please contact your new service provider for Concord Ridge at the earliest possible date. The contact information is:

Upper Jasper County Water Authority
Shelley Vaught, Office Manager
409-384-6301 -- Fax 409-384-3177 -- ucwa@starband.net

In the interim, beginning March 1, 2015, the following water service charges will apply:

Monthly Rate \$65.00 per dwelling up to 2,000 gallons
 \$ 5.00 additional per 1,000 gallons
Upon payment of final bills, Membership Fees will be returned.

Thank you,


President and Board of Directors
Westwood Water Supply Corporation

UPPER JASPER COUNTY WATER AUTHORITY WATER RATES AND FEES

Meter Size	Tap Fee*	Deposit	Continuous Rate of Flow	Monthly Rate	Gallons Minimum
¾"	\$822.00	\$100.00	10 GPM	\$ 35.00	0
1"	\$922.00	\$250.00	25 GPM	\$ 87.50	0
1.5"	\$1,322.00	\$500.00	50 GPM	\$ 175.00	0
2.0"	\$2,322.00	\$800.00	80 GPM	\$ 280.00	0
3.0"	\$3,522.00	\$900.00	90 GPM	\$ 315.00	0
4.0"	\$4,322.00	\$2,500.00	250 GPM	\$ 875.00	0

Possible Additions to the Tap Fee

*Our personnel must checkout each new installation location to see if that location requires more than the customary tap fee. **All road bores** will be at the expense of the customer. The meter will be set on the property line closest to our water main. **If the property line is in excess of 200 feet** from our water main, there will be **the Tap Fee plus** -- \$400/day labor charge for installation of the extra pipe plus cost of additional pipe and other necessary supplies and equipment that are incurred because of the excessive footage.

The monthly minimum rate, if there is **no water usage for a state regulated care giving facility for testing only, is 1/3 of the usual monthly minimum rate. If water **is** used, usual rates apply.

Rate after the minimum usage: \$4.00 per 1,000 gallons for first 5,000 gallons over minimum
\$5.00 per 1,000 gallons for second 5,000 gallons over minimum
\$6.00 per 1,000 gallons for remainder over minimum

Additions to the monthly bill: .5% Regulatory Assessment Fee
\$15.00 Late Charge if bill is paid after the 15th of the month

Other Services:

- \$ 35.00 Connect Water Service to existing tap
- \$ 35.00 Transfer of Water Service in Name Only
- \$ 35.00 Unlock Water Service
- \$ 70.00 Additional charge for Unlock if requested after 2 p.m. M-F
- \$ 10.00 Re-Read Meter at customer request
- \$ 35.00 Service Call
- \$ 200.00 Relocate Meter at Customer request 20' or less
- \$ 75.00 UJCWA's Hand Valve Replacement - if broken by customer
- \$ 35.00 Lock Replacement
- \$ 35.00 Returned checks for non-sufficient funds
- \$ 2.50 Fax long distance per page
- \$ 1.00 Fax local per page
- \$.10 Copy per page (Black & White)
- \$.20 Copy per page (Color)

TCEQ Regulatory Guidance:

One meter is required for each residential, commercial, or industrial service connection. All charges for water service shall be based on meter measurements. The customer at his own expense must install a cutoff valve on the customer's side of the meter. The minimum pressure to be provided is regulated by TCEQ but the maximum pressure has no limit. Our main lines have pressure regulators installed, but when they break you would still need protection. It is recommended that the customer install a pressure regulator on his side of the meter.