



Control Number: 47897



Item Number: 206

Addendum StartPage: 0

SOAH DOCKET NO. 473-18-3008.WS
DOCKET NO. 47897

APPLICATION OF FOREST GLEN §
UTILITY COMPANY TO CHANGE §
RATES §
2018 JUL 23 AM 10:24
BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**FOREST GLEN UTILITY COMPANY'S RESPONSE TO FLEMING D. MITCHELL'S
FIRST REQUEST FOR INFORMATION**

TO FLEMING D. MITCHELL, 163 Sunrise Hill, Castroville, Texas 78009.

COMES NOW, Forest Glen Utility Company ("Applicant" or "FGU") and submits this Response to Intervenor Fleming D. Mitchell's First Request for Information pursuant to Tex. R. Civ. P. 190 through 198 and 16 Tex. Admin. Code § 22.144 ("TAC"). Pursuant to 16 TAC § 22.144(c)(2)(F), these responses may be treated as if they were filed under oath.

Respectfully submitted,

Helen S. Gilbert
State Bar No. 00786263
Randall B. Wilburn
State Bar No. 24033342
GILBERT WILBURN PLLC
7000 N. MoPac Expwy, Suite 200
Austin, Texas 78731
Telephone: (512) 494-5341
Telecopier: (512) 472-4014

By:

Helen S. Gilbert
Helen S. Gilbert

**ATTORNEYS FOR FOREST GLEN
UTILITY COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that I have or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, or Certified Mail Return Receipt Requested on all parties on the 23rd of July 2018.

Helen S. Gilbert

Helen S. Gilbert

**RESPONSE TO FLEMING D. MITCHELL'S FIRST REQUEST FOR INFORMATION
TO FOREST GLEN UTILITY COMPANY**

QUESTION NOS. 1-1 through 1-12

Request for Admission No. 1-1: Admit FGU has never charged more than \$12.00 prior to the January 2016 increase to \$35.00.

RESPONSE: FGU is unable to admit or deny the request as written, because the term “January 2016 increase to \$35.00” is not defined within the definition section, is vague, ambiguous and subject to multiple meanings. FGU has not sought approval for a wastewater rate increase and change to its tariff before December 21, 2017. Per Certificate of Convenience and Necessity No. 21070, Sec. 1.0 – Rate Schedule, FGU has been authorized to charge \$35/month since the TCEQ issuance of the CCN on Aug. 29, 2012.

Request for Admission No. 1-2: Admit residents of Potranco Ranch Subdivision were not swayed toward used of the dual system by being informed it would be cheaper.

RESPONSE: FGU is unable to admit or deny the request as written, because the term “swayed toward used of the dual system” is not defined within the definition section, is without context, is vague, ambiguous and subject to multiple meanings. FGU customers pay approximately 54% less for reuse water than for the potable water provided by Yancey Water Supply Corporation.

Request for Admission No. 1-3: Admit residents of Potranco Ranch Subdivision are being assessed a flat rate whether or not water has been used.

RESPONSE: FGU is unable to admit or deny the request as written, because the term “assessed a flat rate whether or not water has been used” is not defined within the definition section, is vague, ambiguous and subject to multiple meanings. However, if by rate you are referring to wastewater rates which are the subject of this docket, then FGU admits that its approved tariff currently authorizes the imposition of a flat rate of \$35/month.

Request for Admission No. 1-4: Admit residents of Potranco Ranch Subdivision rates are not equal to other subdivisions in the area using Yancey Water.

RESPONSE: FGU is unable to admit or deny the request as written, because the term “equal to other subdivisions in the area using Yancey Water” is not defined within the definition section, is vague, ambiguous and subject to multiple meanings. Additionally, FGU is not aware of the amount of wastewater rates charged by other utilities in the geographic area.

Request for Admission No. 1-5: Admit FGU does not afford residents of Potranco Ranch Residents ample time to respond to request (i.e. attempt to increase rates).

RESPONSE: Deny, FGU complies with the rules of the PUC.

Request for Admission No. 1-6: Admit FGU's expenses far exceed that of which is received from residents of Potranco Ranch Subdivision.

RESPONSE: Admit.

Request for Admission No. 1-7: Admit FGU does not have a proactive approach to communicating with all members of Potranco Ranch Subdivision residents.

RESPONSE: Deny.

Request for Admission No. 1-8: Admit FGU sends threatening letters to terminate water usage and charge for reconnection of residents of Potranco Ranch Subdivision when such notifications due not afford residents sufficient time to protest.

RESPONSE: Deny, FGU complies with the rules of the PUC.

Request for Admission No. 1-9: Admit FGU considers residents of Potranco Ranch Subdivision as elite residents such as those who reside in such places as The Dominion, etc.

RESPONSE: Deny.

Request for Admission No. 1-10: Admit FGU failed to expand its wastewater treatment plant prior to accepting service for the expansion.

RESPONSE: Deny.

Request for Admission No. 1-11: Admit FGU rates are aligned with over users of Yancey Water.

RESPONSE: FGU is unable to admit or deny the request as written, because the term “aligned with over users of Yancey Water” is not defined within the definition section, is vague, ambiguous, unclear and subject to multiple meanings. FGU is unaware of and not involved with the provision of potable water or the rates and charges assessed by Yancey Water Supply Corporation.

Request for Admission No. 1-12: Admit FGU is aware that quite a few residents in Potranco Ranch Subdivision are either active duty or retired military and are looked at as an avenue to charge unfair fees.

RESPONSE: Deny.