

Control Number: 48342



Item Number: 50

Addendum StartPage: 0

Docket 48342

WHITEWING SUBDIVISION RESIDENTS

Note: Some documents may be seen more than once if they also support a Complaint.

- Comments.....Pages 1 3
- Signatures.....Page 4

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- Attachment A.....Page 5
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Letter of Comments from Whitewing Subdivision Residents for Docket #48342

All Whitewing Subdivision Residents:

 Received a letter from Stephen Krebs, owner of our water utility company, dated 10/17/18, explaining why he needs a water rate increase and why we would want to keep him as our water utility company instead of him selling our water utility to a company in Porter or our water utility being annexed by Dayton MUD. He also requests that if we agree with him, he would like us to withdraw our protests of the water rate increase from the PUC. He also indicates that he owns and operates 7 other systems in this area and he has owned his business for 20 years.

Reference attachment "A"

- Received a letter from Stephen Krebs, owner of our water utility company, dated 4/11/19 that
 implies the water rate change requested on Docket #48342 has been approved. This is
 supposedly due to enough residents withdrawing their protest for the water rate increase. He
 indicates that due to this, he was moving forward with his plans for the water utility company. *Reference attachment "B"*
- Received their water bill dated 7/22/19 with due date of 8/15/19 with an additional line item added called "COMP FE" in the amount of \$28.00. According to our water utility company this is a Compliance Fee. He indicated to those that called him, that he needed to add this fee to bring the water system into compliance. Some residents mistakenly thought this was the approved water rate increase addressed in the 4/11/19 letter sent out by Stephen Krebs. *Reference attachment "C"*

A Subset of Whitewing Subdivision Residents:

- 4. Have called into the Customer Protection Division of the Public Utility Commission of Texas to discuss the Compliance Fee added to their bill.
- 5. Have made numerous calls to Jackie Caldwell the paralegal assigned to Docket #48342 for assistance and to verify that the Compliance Fee added to their bill had not been approved, as well as the water rate change had not been approved.
- 6. Have added a letter to their payment of the water bill notifying the water utility company that they will be paying for their water, but will not be paying the added Compliance Fee until it is approved by the Public Utility Commission of Texas. *Reference attachment "D" for an example of letters being sent to water utility company*
- Have received a FINAL SHUT OFF NOTICE from the water utility company that if we do not pay the Compliance Fee of \$28.00 and associated Late Charge of \$5.00 by 09/04/19, the water utility company will be disconnecting our water.

Reference attachment "E" for SHUT OFF NOTICE

A Subset of Whitewing Subdivision Residents Cont'd:

 Marsha/Daryl Parkers FINAL – SHUTOFF NOTICE was different than other residents notices, hers listed Water as what she needed to pay, not the Compliance Fee. She had already paid for her water. Attached you will find her bill and text correspondence between herself and Stephen Krebs.

Reference attachment "F"

- 9. When the water bill with the Compliance Fee added came out, one of the residents called Stephen Krebs to ask about it, Stephen Krebs told the resident that if they did not pay the compliance fee he would put a lien on their house.
- 10. Recently found out that Stephen Krebs did not pay any money for the Gum Island Utility, the former owners just deeded/gave it him.

Complaints Filed

- 11. Complaints CP2019080165 and CP2019080371 have been filed with the Customer Protection Division against the water utility company questioning the implied water rate increase approval and adding the Compliance Fee to the water bill. CP2019080371 has been closed and the PUC ruled in favor of the resident; however, the water utility company indicated that the PUC has no jurisdiction over the Compliance Fee that was added to all Whitewing residents bill. To date, there has been no response from the water utility company for CP2019080165. There have been other complaints opened on this same issue from other residents. Reference attachment "G" for both Complaints
- 12. Complaint **CP2019081001** has been filed with the Customer Protection Division against the water utility company questioning the right of the water utility company to send out a water cut-off notification along with a request to pay the Compliance Fee to residents that have a complaint opened with the PUC concerning the Compliance Fee. Some residents that paid the notice, sent with their payment a letter that they were paying "under protest". *Reference attachment "H"*
- 13. Complaint **318254** has been initiated with the Texas Commission on Environmental Quality concerning the **downed section of the fence** surrounding the water system (which has been like this for several months despite numerous calls to have it fixed) and the quality of our water recently. According to the TCEQ inspector our water quality was fine, but the fence does need to be fixed.

Reference attachment "I" for Complaint and pictures of fence

In Conclusion - A Subset of Whitewing Subdivision Residents

- 14. Wonder why if he owns and operates 7 other water systems in this area and has been in the business for 20 years, he does "NOT know" what the PUC rules and regulations are and that he needs to follow the PUC rules and regulations that are applicable to him. Reference Item #1 and #11.
- 15. Wonder why he would send out a letter that the water rate increase has been approved and it hasn't. Reference Item #2.
- 16. Wonder why he would one day decide that he is adding a \$28.00 fee to our water bill, without notice, without any time limit on how long the fee would last, and without PUC approval. Reference Item #3.
- 17. Wonder why he would call the \$28.00 fee added to our water bill a Compliance Fee. According to the TCEQ, the only thing he needs to do is fix the fence for his water company to be in compliance, which would for now take a few long screws. Reference Item #3 and #13.
- 18. Wonder why for a really long time he wasn't motivated to straighten out the utility company's name so he could move forward with the water rate increase. Reference Docket #48342
- 19. Wonder why he would want to put in a standby well for down time, when once in a blue moon a sub pump would fail and take more than a day to fix. Some residents have been here over 30 years and can't even remember the last time the well actually needed to be fixed for that reason. So putting in a standby well does not make any sense to us. Now, on the other hand the electricity goes off many times during a year mostly when small storms blow thru (power could be down for a few hours) or a hurricane hits this area (power has been down up to a week). A backup generator system that runs on propane would be nice for the water system to be able to switch to automatically during these times. The community would then not be without water because of power outages which happen much more frequently than a sub pump failing which is extremely rare. Reference Item #1.
- 20. We do understand the water bill needs to be raised, but don't understand why the increase needs to be so much. Does his justification to the PUC support his suggested rate increase. We also know that he was given the utility company and would like that taken into consideration, if applicable.
- 21. If the water rate increase is to include any funds for improvements, such as a second well (which we do not need) or the backup generator (which we do need), we would like to know what improvements are being included in the water rate increase and who monitors to make sure the improvement gets completed during the timeframe planned. This does not include any maintenance items, only the improvements.

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Address, Dayton, TX, 77535	Print Name	Signature
216 CR 4865 215 CR 4865 133 CR 4865 511 CR 4865 511 CR 4865 59 CR 4866 So. 143 4 U866 So. 143 4 U866 So. 143 4 U865 341 CR 4865 341 CR 4865	VINCE CHRRELL DATY Perker Branky MS Cyfred MIKE Continueron, C. MIKE Continueron, C. MIKE CONTHUNCER PAUL GUIDRY Barry Evan StaunEmns J.D. Keller	Jene Ranell Maulyn Mc Cry Jesengin Jese

Whitewing Subdivision Residents

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Docket #48342 Attachment A

EAST HOUSTON UTILITIES, Inc.

10.17.2018

Whitewing Subdivision Residents,

I'd like to take a moment to update you on your water service. For months I've been trying to arrange a meeting to explain rates and discuss any issues you may have. However, in talking with some of you we've realized it will be difficult to meet certain schedules.

Because of this, I can give you a brief summary of the reasons for the rate increase in this letter. I'll provide my cell number at the end if you need further details or explanation.

My company took over your water service in 2015 from the McCoy family, who also developed the land to sell. They were able to provide water service at a much discounted rate and apply the loss to land sale profits. I've kept the rates the same since the purchase so that I can get a good basis for how much I need to provide adequate service.

Several issues are coming up with your system that will need attention soon. The fence around the plant needs repairs, along with one of the pressure tanks, among other issues. I would also like to <u>start funding for a standby well</u> so that service will not be interrupted in case of a sub pump failure. With the ever-rising cost of lab tests and state regulatory fees, I've concluded that minimum I can charge for base 5,000 gal is \$51.00. This is consistent with the 7 other systems that I own and operate in this area. This is also well below other communities such as Newport in Crosby and Dayton Municipal Utility District, as they are publicly owned and therefore charge between 1.25% and 2.5% of your property value annually in their property tax invoice.

There are other options that you have. However, I sincerely believe that the least expensive and best service option by far is to stay with this plan. I have been approached by a company based in Porter to purchase your system. However, since they are not local and corporate owned I believe their rates will be significantly higher and certainly service will, even though legally acceptable, not up to the standards of my Company. I have my personal number listed as the emergency contact and this is certainly beyond industry standard. Also, I'm concerned about service interruptions without a standby system. In this event, there is no way to provide service during a repair, which could take several days. While these interruptions are legal and common with other companies, I've prided myself on not having an overnight interruption in the 20 years I've owned my company.

Another option would be to be annexed by Dayton MUD. While it would provide more resources to your system, this plan would also have significantly higher rates when you include the property taxes that you're not currently paying at this time.

If you believe as I do that my plan is the best for you please contact PUC at (512) 936-7405 (doc # 48342) and ask to be removed from the protest list. If you would like further explanation or would like to pursue one of the other options, feel free to contact me on my cell at 281-236-9914. Also, I'd still be open to a meeting to discuss in person either individually or as group and I'm usually open to any time and date.

Thank you very much for you time and consideration, I hope this helps clarify the situation and provide some insight into the problems associated with your system.

Sincerely,

Stephen P. Krebs, owner



Docket #48342 – East Houston Utilities/Gum Island Utilities/Whitewing

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Docket #48342

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Attachment B

4/11/19

Stephen P. Krebs 11015 Sheldon Rd Ste 102 Houston, Tx 77044

Whitewing Subdivision Residents

Dear Landowners:

I would like to say congratulations and thank you for your attention and your understanding in the long rate change issue. Enough of you have withdrawn your protest so I can move forward with the process.

Although I have always maintained the standards required by TCEQ and the health department, I can now look to improving your system to my standards including aesthetic improvements to the grounds and preventative maintenance. As a matter of fact, the failure that occurred on 4/7/19 late evening could have been avoided had I had the resources available to me now. Even though I was able to have service available within a few hours, it was an inconvenience to you and a sleepless night for me. Furthermore, I'm hoping to have enough in the next couple of years to look into a standby plant for your community, which will eliminate the need for a complete shutdown during repairs.

The rate will officially change on 6/1/19 reflected in the bill you will receive between 6/20/19 and 7/1/19, due 7/15/19. Again, thank you; i've enjoyed talking to you during this time and look forward to future conversations. As i've always said, feel free to call me and discuss any questions you may have Monday to Thursday, 9 to 4, on my personal cell, 281-236-9914.

Thanks,

Stephen P. Krebs Owner, EHU 281 456 0883 2

Docket #48342 Attachment C

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Docket #48342 Attachment D

08/07/2019

Customer Name: Vince Carrell Acct #: 090 - 9040 - 00

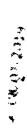
RE: Compliance Fee Charges

East Houston Utilities,

According to the Public Utility Commission of Texas, as of August 7, 2019 there has been no approval for any increase or additional fees to be added to our water bill. Therefore, we will only pay for the water usage charges, not the added comp fee. If, at a later date, this is approved through the Public Utility Commission of Texas, we will comply with their decision.

Thank you,

Vince Manell Karly Carrell





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Docket #48342 Attachment E

EAST HOUSTON UTILITIES, INC. 11015 SHELDON ND STE 102 HOUSTON, TX 77044

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VINCE CARRELL

216 COUNTY ROAD 4865

DATTON, TX 77535

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090-9040-00

Notice Date 08/19/19 FINAL - SHUT OFF NOTICE ***** Purther Notice Will Be Given**

Service Address 612 WHITEWING RD.

Disconnect Date 09/04/19 33.00

Please Include Account Number On Check PLEASE RETURN THE PORTION WITH YOUR PAYMENT

PASTDOMS . FRX

EAST HOUSTON UTILITIES, INC.

ACCOUNT SUMMARY

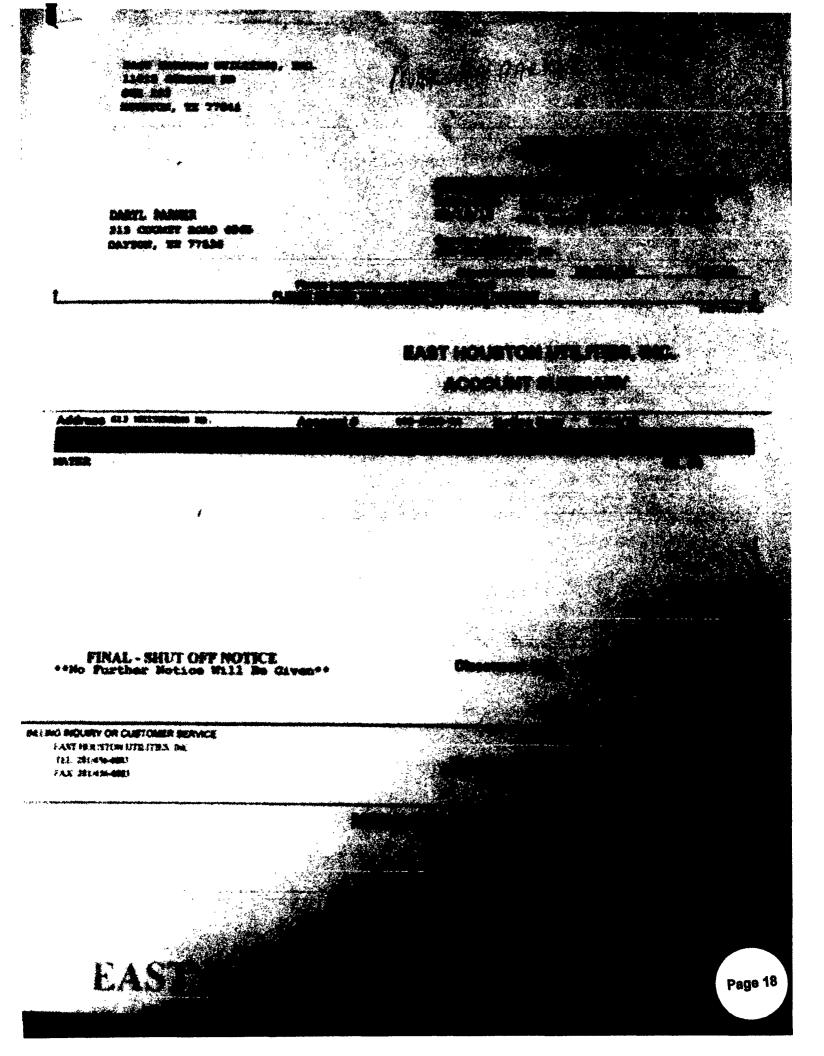
ddrees 612 WRITHING BD.	Account #	090-9040-00	Notice Date	08/19/19		
COMPLIANCE FEE ,				28.00		
· \$						
FINAL - SHUT OFF NOT **No Further Notice Will	ICE Be Given**	Die	connect Date			
LING INQUIRY OR CUSTOMER SERVICE				MAKE CHECK PAYABLE TO:		
EAST HOUSTON UTILITIES, INC. TEL: 281/456-0883		Please	include	EAST HOUSTON UTILITIES, INC. 11015 SHELDON RD		
FAX: 281/456-0883		Please Include Account ≢ on Check		STE 102 HOUSTON, TX 77044		
<u>,</u>	M	ESSAGES	***************************************			

EAST HOUSTON UTILITIES. INC.

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Docket #48342 Attachment F





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I am confused. I received a shut off notice from you with the explanation of water. Is this our new water bill? If so where is the usage? I did pay my bill last month by check so I know I'm not late. Please clarify what this is? Thank you

Disregard it. My board

STEVE

MARSHA

attorney just found the laws describing the bills, so we've removed the fee from the bill and refunded the amount to your account

M#RS#P

So does this mean they is no shut off notice. My water will remain on?

Yes, looks like we have to take a different approach to the problem. As long as you paid the 23 base you're ok



Well, you're welcome, but just so you don't get too happy I'm going to take a loan to get some stuff done out there, or look to get rid of it, but either way I'll go through the puc. I was really surprised to see the law about the bill, but you were right, it's in there

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Text sent to my phone 281-352-3563 ON 8-23-19 From Steve Krebs phone. massa Dat Marsha Parker

r.,

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Docket #48342 Attachment G

PUCTX Online Complaint CP2019080371



Public Utility Commission Of Texas

1701 N. Congress Avenue P.O. Box 13326 Austin, Texas 78711-3326 (688) 782-8477 www.puc.texas.gov

Water Complaint Form

Date: 8/12/2019 10:13:53 A

Complaint No: CP2019000371 Account Holder: Daryi Parker Alternate Contact: Marsha Parker (Spouse) E-mail Address: theparkeys@yahoo.com Service Address: 613 Whitewing Road Mailing Address: 215 County Road 4865 Dayton TX 77535 Dayton TX 77535 Liberty County Day Phone: (281) 352-3563 Evening Phone: (281) 352-3563 Complaint Type: Billing Complaint Against: East Houston Utilities Service Phone: Account No: 090-9055-00 Complaint Information: Utility company added a \$28 Compliance Fee without authorization from the Public Utilities Commission and with no prior notification to homeowners. Attached is a copy of the letter from East Houston Utilities implying that water increase had been approved, however that was not true. We also have numerous complaints about the quality of our water and the lack of protection to our well. That complaint has been filed with the Texas Commission of Environmental Quality. Uploaded Files: Sile USER_Water_Bill.png USER_Water_Bill_Letter.png

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Public Utility Commission of Texas

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DeAnn Walker Chairman

Arthur C. D'Andrea Commissioner

Shelly L. Botkin Commissioner

John Paul Urban Executive Director



Public Utility Commission of Texas

8/14/2019

Mr Daryl Parker 215 County Road 4865 Dayton TX 77535

RE: Complaint # CP2019080371

Dear Mr Parker:

The Customer Protection Division has received the response from Gum Island Utility concerning the Compliance Fee billed by the company. We have reviewed the documentation presented by both you and Gum Island Utility in order to ensure the company acted consistently with applicable Substantive Rules.

Gum Island Utility denies the Public Utility Commission has any jurisdiction over the Compliance Fee which has been included on your water bill. The company has cited the delay in obtaining a rate change as justification for the assessment of the fee on a line item separate from your water charges.

Based on the investigation conducted the Customer Protection Division has determined Gum Island Utility failed to act consistently with Substantive Rule §24.165 Billing subsections (a) and (h). Gum Island Utility has billed your account for a fee which is not listed on the utility company's approved tariff. In order to resolve this matter, the Customer Protection Division recommends Gum Island Utility adjust the account for the entire period of the overcharges and cease billing the disputed fee until approval is obtained from the Commission. Substantive Rule §24.155 Resolution of Disputes subsection (b) states a failure to comply with the order within 30 working days of receiving the order is a violation for which the Commission may impose an administrative penalty under TWC §13.4151. We trust this matter has been addressed to your satisfaction.

Thank you for the opportunity to address your concerns. If we can assist you with future utility concerns, please contact us toll free through our Customer Assistance Call Center at 1-888-782-8477.

Sincerely 512-936-7124 **Isabel** Ford

Customer Protection Division Public Utility Commission of Texas

cc: Gum Island Utility

Printed on recycled paper

From: Customer Service <customer@puc.texas.gov> To: Kathy Carreli <kathywcarreli@aol.com> Subject: RE: Docket #48342 - Whitewing Subdivision in Dayton, TX - Att: Customer Protection Division Date: Tue, Aug 6, 2019 8:29 am

Ms. Carrell:

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Thank you for contacting the Public Utility Commission of Texas. This information will be processed as a complaint and correspondence will be mailed to you shortly.

This was assigned CP2019080165

Feel free to contact us if you have additional questions or comments.

Sincerely,

Customer Protection Division Public Utility Commission of Texas P. O. Box 13326 Austin, TX 78711-3326 1-888-782-8477 Toll-free 1-512-936-7003 Fax

Page 23

From: Kathy Carrell <kathywcarrell@aol.com>

To: customer <customer@puc.texas.gov>

Cc: theparkeys <theparkeys@yahoo.com>

Subject: RE: Docket #48342 - Whitewing Subdivision in Dayton, TX - Att: Customer Protection Division Date: Mon, Aug 5, 2019 11:24 am

Attachments: East Houston Utility - Gum Island Bill.pdf (39K), East Houston Utility - Gum Island Letter.pdf (68K)

Att: Customer Protection Division

We were asked to send in a letter that all Whitewing Subdivision residents received from our water utility company (East Houston Utilities or Gum Island Utilities?) dated 4/11/19 that implies the water rate change requested on Docket 48342 has been approved and also a bill that shows the utility company has added a "Comp Fe" to our bill of \$28.00. According to the utility company this is a compliance fee. At this time we are questioning whether this Comp Fe or the water rate increase has been approved by the Public Utility Commission of Texas.

You will find attached the two documents requested.

If you have any questions or need additional information, please contact Kathy or Vince Carrell at 9364020613 or Marsha Parker at 2813523563.

Thanks! Kathy, Vince, and Marsha

4/11/19

Stephen P. Krebs 11015 Sheldon Rd Ste 102 Houston, Tx 77044

Whitewing Subdivision Residents

Dear Landowners:

I would like to say congratulations and thank you for your attention and your understanding in the long rate change issue. Enough of you have withdrawn your protest so I can move forward with the process.

Although I have always maintained the standards required by TCEQ and the health department, I can now look to Improving your system to my standards including aesthetic improvements to the grounds and preventative maintenance. As a matter of fact, the failure that occurred on 4/7/19 late evening could have been avoided had I had the resources available to me now. Even though I was able to have service available within a few hours, it was an inconvenience to you and a sleepless night for me. Furthermore, I'm hoping to have enough in the next couple of years to look into a standby plant for your community, which will eliminate the need for a complete shutdown during repairs.

The rate will officially change on 6/1/19 reflected in the bill you will receive between 6/20/19 and 7/1/19, due 7/15/19. Again, thank you; i've enjoyed talking to you during this time and look forward to future conversations. As i've always said, feel free to call me and discuss any questions you may have Monday to Thursday, 9 to 4, on my personal cell, 281-236-9914.

Thanks,

Stephen P. Krebs Owner, EHU 281 456 0883

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Docket #48342 Attachment H

PUCTX Online Complaint CP2019081001



Public Utility Commission Of Texas 1701 N. Congress Avenue P.O. Box 13326 Austin, Texas 78711-3326 (888) 782-8477

Water Complaint Form

Date: 8/22/2019 8:3(

Complaint No: CP2019081001 Account Holder: Vince Carrell E-mail Address: kathywcarrell@aoi.com Service Address: 612 Whitewing Rd Dayton TX 77535 . Liberty County Day Phone: (936) 402-0513 **Complaint Against: East Houston Utilities**

www.puc.texas.gov

Alternate Contact: Kathy Carrell (Spouse)

Mailing Address: 216 County Road 4865 Dayton TX 77535

Evening Phone: (936) 402-0613 Complaint Type: Discontinuance Account No: 090-9040-00

Complaint Information: We filed a complaint (RE: CP 2019080165) with the PUC regarding a Compliance Fee of \$28.00 that East Houston Utilities had added to our water bill. This issue is not resolved yet and now East Houston Utilities has given us notice that they will cut off our water if we do not pay the compliance fee and late charges totaling \$33.00 by 9/4/19.

> Our question is, does East Houston Utilities have the right to cut off our water when a complaint is open regarding the very item they are demanding payment for, attached you will find the cut off notice with the amount owed.

We are paying the bill because at this time we can not afford to do without water. We included a note with our payment to East Houston Utilities, which you will find attached.

Service Phone:

Uploaded Fles: <u>The</u> USER_Shut_Off_Notice.pdf USER_Shut_Off_Notice_Response.pdf To Totak 2

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Public Utility Commission of Texas

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EAST HOUSTON UTILITIES, INC. 11015 SHELDON RD STE 102 HOUSTON, TX 77044

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VINCE CARRELL 216 COUNTY ROAD 4865 DAYTON, TX 77535 Piecee Include Account Number On Check PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

EAST HOUSTON UTILITIES, INC.

ACCOUNT SUMMARY

Address 612 WHITEWING ND.	Account #	090-9040-00	Notice Date	08/19/19	
COMPLIANCE FEE ,			lii		28.00
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FINAL - SHIT OFF NOT	ICE				
FINAL - SHUT OFF NOT **No Further Notice Will 1	Be Given**		connect Date	09/04/19	33.00
LUNG INQUIRY OR CUSTOMER SERVICE				MAKE CHECK DA	
EAST HOUSTON UTILITIES, INC. TEL: 281/456-0883		Disease	lanh de	MAKE CHECK PAYABLE TO: EAST HOUSTON UTILITIES, INC.	
FAX: 281/456-0883		Account	include Fon Check	11015 SHELDON RD STE 102 HOUSTON, TX 77044	
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EAST HOUSTON UTILITIES, INC.

Date: 8/22/19

Customer Name: VINCE Carrell

Acct Number: 090-9040-00

RE: FINAL - SHUT OFF NOTICE

Under protest, we are paying the COMPLIANCE FEE (in the amount of \$28.00) and LATE CHARGE (in the amount of \$5.00) on the FINAL – SHUT OFF NOTICE we received dated 08/19/19 where East Houston Utilities indicates our water will be "disconnected" on 09/04/19 if we do not comply. The COMPLIANCE FEE that East Houston Utilities is demanding payment for was charged on our Water Bill dated 07/22/19 and is currently being investigated by the Public Utility Commission via Complaint NO: <u>CP2019080</u>165 We are surprised that East Houston Utilities would give a FINAL - SHUT OFF NOTICE due to the COMPLIANCE FEE not being paid when East Houston Utilities knows that a Complaint concerning the COMPLIANCE FEE has been opened with the PUC.

Regards,

Vinallanell Rocky Carriel

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Docket #48342

Attachment I

EXAS COMMISSION ON ENVIRONMENTAL QUALITY

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- Cleanups, Remediation
- Emergency Response
- Licensing
- Permits, Registrations
- Preventing Pollution
- Recycling
- Reporting
- Rules
- About TCEO
- Contact Us

Have you had contact with the TCEQ lately? Complete our Customer Satisfaction, Survey.

Complaint Status

Complaint Tracking #: @ 318254					
Complaint Receiv	Complaint Received Date: 08/05/2019				
Number Complai	ning: 1				
Status: 🖸	CLOSED				
Status Date: 😶	08/21/2019				
Nature: 0	OTHER				
Frequency: 🔨	CURRENT				
Duration: 🞱					
Media: 🥝	WATER				
Program: 😶	PUBLIC WATER SYSTEM/SUPPLY				
Priority: 🞱	Within 14 Calendar Days				
Effect: 0	GENERAL				
Receiving Water Body: 😌					

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Regulated Entity: WHITEWING SUBDIVISION County: LIBERTY

Description:

The complainant alleges a black film on the water and that the water plant is not being maintained.

Comment:

More information will be available upon approval of the investigation report.

Action Taken:

This complaint has been assigned and will be further investigated by an Environmental Investigator.

Investigation Data not Available Until Approved by Management

New Search

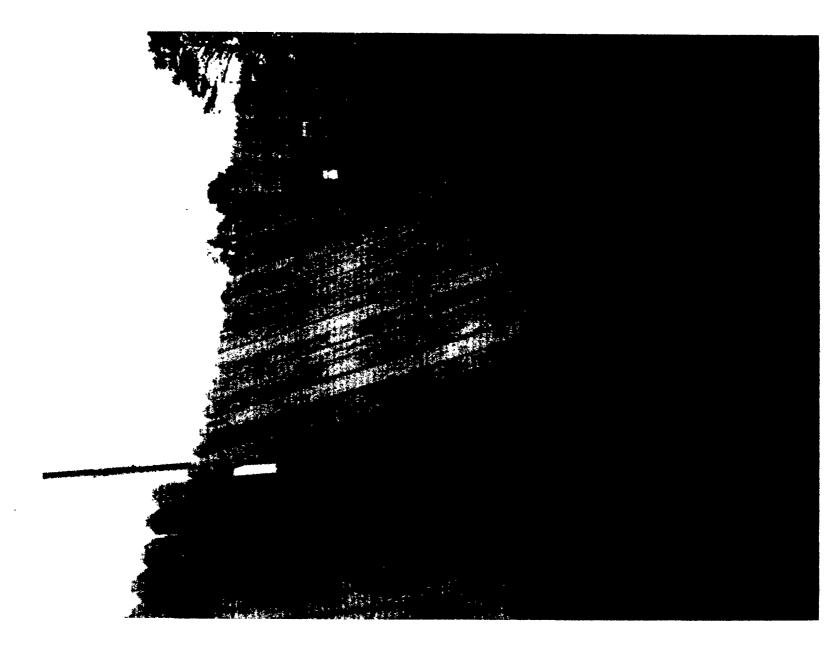
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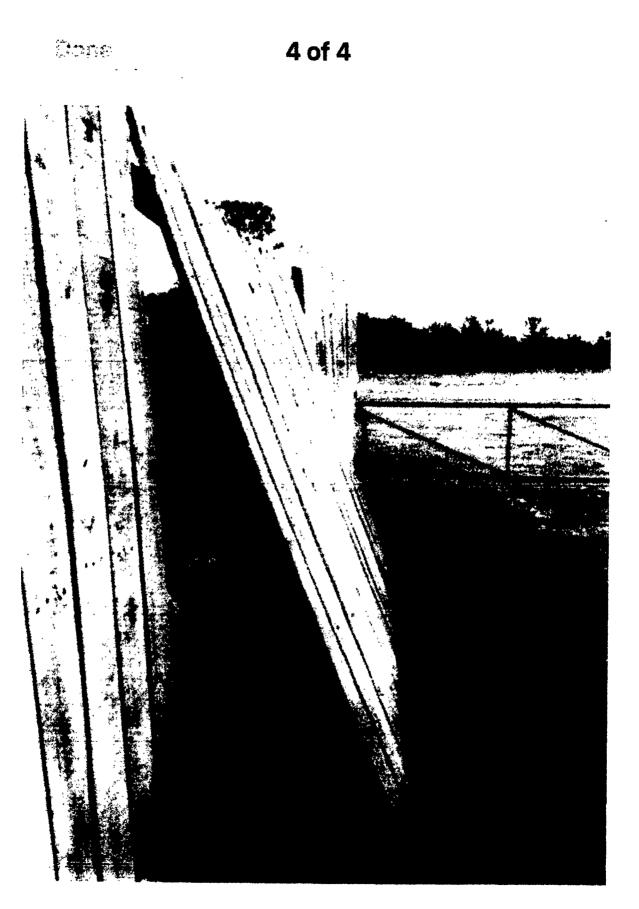
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