



Control Number: 48676



Item Number: 14

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JONATHAN CROOK'S APPEAL OF THE §
COST OF OBTAINING SERVICE FROM §
EAST CRAWFORD WATER SUPPLY §
CORPORATION §

PUBLIC UTILITY COMMISSION 2:38
OF TEXAS

**COMMISSION STAFF'S RESPONSE TO EAST CRAWFORD WATER SUPPLY
CORPORATION'S MOTION TO DISMISS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this response to the motion to dismiss of East Crawford Water Supply Corporation (East Crawford). In support thereof, Staff shows the following:

I. BACKGROUND

On September 11, 2018, Jonathan Beau Crook filed a petition with the Public Utility Commission of Texas (Commission) appealing the decision of East Crawford for the cost of obtaining service. This appeal is governed by Texas Water Code (TWC) § 13.043(g) and 16 Texas Administrative Code (TAC) § 24.101(g).

On February 20, 2019, the Administrative Law Judge (ALJ) issued Order No. 6, requiring Staff to file respond to East Crawford's Response to Appeal and Motion to Dismiss by March 11, 2019. Therefore, this pleading is timely filed.

II. RESPONSE TO THE MOTION TO DISMISS

East Crawford has requested dismissal on the grounds that it has a facilities-only type CCN and cannot serve Mr. Crook's property. Further, East Crawford maintains that Mr. Crook's property may be within the CCN of North Bosque Water Supply Corporation CCN (North Bosque), or possibly the extra territorial jurisdiction of the City of Waco. It is Staff's position that dismissal is not appropriate at this time as there is uncertainty as to whether East Crawford is the correct utility to serve Mr. Crook, which is the basis for the motion to dismiss. Additional research is necessary to determine the status of East Crawford's ability to serve Mr. Crook's property.

This matter stems from Mr. Crook's attempts to obtain water service on the property he owns on Compton Road (the Property) in an unincorporated area of McLennan County, Texas.

Mr. Crook lives in a nearby residence also on Compton Road where he currently receives service from East Crawford. After Mr. Crook requested service to the Property, East Crawford initially responded with a quote to obtain service on the Property in the amount of \$67,000, which is the basis for this appeal. However, it later determined that it held a facilities-only CCN and believes that it cannot serve the Property because of its CCN type.

The following information regarding types of water CCNs is available on the Commission's website. The different types of water CCNs are defined as follows¹:

Bounded Service Areas: These are certificated service areas with closed boundaries that often follow identifiable physical and cultural features such as roads, rivers, streams and political boundaries.

Facilities +200 Feet: These are certificated service areas that are represented by lines; however, they also include a buffer of a specified number of feet (usually 200 feet). The lines can, but may not correspond to distribution lines or facilities in the ground, and normally follow along roads.

Facilities Only: These are certificated service areas that are represented by lines; however, they are granted for a "point of use" that covers only the customer connections at the time the CCN is granted. Facility only service lines may, but may not always, correspond to distribution lines or facilities in the ground, and normally follow along roads.

Presently, there is uncertainty as to whether East Crawford is correct in its interpretation of its CCN as there does not appear to be a rule or statute governing facilities-only water CCNs, only long standing Commission Staff policy.

Staff notes that Mr. Crook also sought service from North Bosque, but it declined to serve the property under the belief Mr. Crook's property is outside its CCN. Staff also notes that on February 25, 2019, Mr. Crook initiated an informal complaint against North Bosque (CP2019020963) for refusal of service, which is pending. This appeal should not be dismissed until it can be sorted out whether East Crawford is the correct utility to serve Mr. Crook's property.

¹ CCN Mapping Information Frequently Asked Questions, retrieved March 7, 2019, <http://puc.texas.gov/industry/water/utilities/gis.aspx>.

III. CONCLUSION

For the reasons stated above, Staff respectfully recommends that the motion to dismiss be denied.

Dated: March 11, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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**DOCKET NO. 48676
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on March 11, 2019 in accordance with 16 TAC § 22.74.



Patrick D. Todd