

1 A. -- south of that, but --

2 Q. Okay. Well, let's do it this way. For how many  
3 miles does the 42-inch pipe run from the river?

4 A. I believe it's, like, ten miles.

5 Q. Ten miles.

6 A. I'm not exactly -- but about ten miles.

7 Q. Okay. And at ten miles, which is reservoir  
8 number four?

9 A. Reservoir number four.

10 Q. What happens? What's the piping like there?

11 A. Okay. From there, the pump -- the pump station  
12 pumps through a 36-inch waterline all the way to Los  
13 Fresnos, which is the Los Cuates Pump Station, and it's  
14 just a transfer pump that we just -- a small reservoir  
15 that transfers that water coming from reservoir four to  
16 Water Plant No. 2.

17 Q. And that's the one on Highway 100 --

18 A. On Highway 100, correct.

19 Q. -- that you can see? Got'cha.

20 A. Yes.

21 Q. Okay. So then -- so it's 10 miles of 42-inch and  
22 then another 15 or 16 of 36 inches?

23 A. Yes. Correct.

24 Q. Okay. Do you know what -- do you know when that  
25 pipe was installed?

1 A. I believe in 1985; somewhere around that time.

2 Q. Does '88 sound about right?

3 A. '88, that sounds right.

4 Q. Okay. And do you know what the composition of  
5 that pipe is? Is it iron? Is it --

6 A. Concrete.

7 Q. Concrete. Oh, it is concrete?

8 A. Yes.

9 Q. Okay. Do you know how thick it is?

10 A. The thickness?

11 Q. Yes.

12 A. About a couple of inches thick.

13 Q. Okay. How frequent do repairs need to be made to  
14 that pipe?

15 A. I would say we've repaired it only -- within the  
16 timeframe that I'm been there, maybe, like, five or six  
17 times.

18 Q. So you've been there since 1990- --

19 A. And that would be the river pump station to  
20 reservoir four.

21 Q. Right.

22 A. But then from reservoir four to the Los Cuates  
23 Pump Station, we've had to repair at least 10 times or  
24 more because that pipeline wasn't installed correctly.

25 Q. So four or five -- since -- you've been there

1 since 19-what?

2 A. '87.

3 Q. You've been there since 1987. You recall four or  
4 five repairs to the 42-inch line --

5 A. Yes.

6 Q. -- and maybe 10 or so repairs to the 36-inch  
7 line?

8 A. Yes.

9 Q. Okay. Do you know what the -- you may not know  
10 the answer. Do you know what the estimated useful life  
11 of that line is?

12 A. No, I don't.

13 Q. Okay. Who signs the checks over at the District?  
14 Vendors --

15 A. The invoices get paid, and we have stamps, like,  
16 for myself and Eddie, the Director of Finance.

17 Q. Is there -- is there a minimum beyond which  
18 requires your stamp or approval; \$500, \$2,000?

19 A. I think all the checks get stamped.

20 Q. Oh, really?

21 A. Yes, sir. And it's only been for as long as  
22 Eddie has been there. Because before that, the board  
23 members had to sign them or stamp it.

24 Q. Okay. Quick question. Have you ever researched  
25 or been -- been in any discussions where the estimated

1 reservoir number three. It's for the golf course, and  
2 then reservoir number one for the City of Port Isabel.

3 Q. Okay. So if we're just talking about the -- if  
4 we're talking about those three raw water users, they  
5 draw their water before the water goes into the -- is  
6 pumped to the treatment facility, right?

7 A. For the golf course?

8 Q. The golf course, right.

9 A. Yes; yes.

10 Q. And then the golf course receives its water from  
11 that particular reservoir through gravity feed. There's  
12 no pump; is there?

13 A. Correct.

14 Q. Okay. In fact, the golf course has its own pump,  
15 right?

16 A. Correct.

17 Q. Okay. And would it be your testimony that the  
18 water that is distributed -- if we're using these  
19 definitions in Jackson's report, which you agree with,  
20 the water that's categorized as distribution is the  
21 water that's treated water going to various customers  
22 throughout the District?

23 A. Yes.

24 Q. Okay. I think I asked you this in the beginning,  
25 but let's look --



1 water?

2 A. Yes; yes,

3 MR. HANSEN: Okay. Thank you.

4 EXAMINATION

5 BY MR. HUNTER:

6 Q. One follow-up. How long is the line from the  
7 reservoir to the golf course pump station?

8 A. If I'm just estimating, I believe maybe 250 feet.

9 Q. A pretty short -- a pretty short line; isn't it?

10 A. (Witness nods head up and down.)

11 Q. And -- a pretty short line; isn't it?

12 A. Pretty short.

13 Q. One of the shortest -- is it the shortest in the  
14 District?

15 A. Yes.

16 Q. It is the shortest in the District. And -- and,  
17 again, that is the reservoir that flows -- the water  
18 that flows through that 250-line pipe is gravity fed,  
19 right? There's no pumping required to get to the  
20 District pump station?

21 A. Right, right, right. I thought you were done.

22 Q. What does gravity cost?

23 A. Can we go eat?

24 Q. What does gravity cost?

25 A. Well --

1 Q. That's all right. Thank you. Thank you for your  
2 time.

3 (Proceedings concluded at 2:10 p.m.)  
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**Docket No. 49154  
SOAH Docket No. 473-19-5677.WS**

<b>RATEPAYERS' APPEAL OF THE DECISION BY LAGUNA MADRE WATER DISTRICT TO CHANGE RATES</b>	<b>§ § § §</b>	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**SOUTH PADRE ISLAND GOLF COURSE'S OBJECTIONS TO AND MOTION TO  
STRIKE DIRECT TESTIMONY AND ATTACHMENTS OF DAN V. JACKSON AND  
EXCLUDE TESTIMONY OF DAN V. JACKSON**

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TO THE HONORABLE JUDGE SIANO AND JUDGE SOTO:

COMES NOW, **South Padre Island Golf Course ("SPI")** and files these Objections to and Motion to Strike Direct Testimony and Attachments of Dan V. Jackson and Exclude Testimony of Dan V. Jackson ("Jackson"), and would respectfully show the following:

**I. PROCEDURAL HISTORY**

1.1. On January 29, 2019, South Padre Island Golf Course via the undersigned SPI Golf Homeowners JV, Inc. ("SPI") filed a petition against Laguna Madre Water District ("LMWD") to appeal the LMWD's board of directors raw water rates charged for untreated irrigation water ("raw water"). On February 28, 2019, LMWD filed a motion for summary dismissal for lack of jurisdiction. On March 6, 2019, the staff of the Public Utility Commission of Texas ("PUC Staff") filed a second motion to dismiss for lack of jurisdiction, and SPI filed a response to the motions to dismiss on April 16, 2019. On April 23, 2019, the Public Utility Commission of Texas ("PUC") Administrative Law Judge issued Order No. 5 denying both motions to dismiss. The PUC issued a referral order on June 21, 2019, referring the case to the State Office of Administrative Hearings (SOAH) for

assignment to an Administrative Law Judge ("SOAH ALJ") to conduct a hearing and issue a proposal for decision, if necessary. The PUC has jurisdiction over this case under the Texas Water Code §12.013. SOAH has jurisdiction over matters relating to the conduct of the hearing in these proceedings pursuant to Texas Government Code §2003.049. At an open meeting on August 8, 2019, the PUC adopted a preliminary order.

1.2. On September 9, 2019, the SOAH ALJ adopted the parties' agreed procedural schedule by SOAH Order No. 4. On November 4, 2019, the parties filed an agreement modifying the deadlines in the procedural schedule, as allowed by SOAH Order No. 4. That agreement establishes a deadline of November 22, 2019 for filing objections to LMWD's Direct Testimony. Therefore, these Objections to and Motion to Strike Direct Testimony and Attachments of Dan V. Jackson and Exclude Testimony of Dan V. Jackson are timely filed.

## **II. LEGAL BACKGROUND**

2.1. Texas Rule of Civil Evidence 403 provides that, "The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, or needlessly presenting cumulative evidence."

2.2. Texas Rule of Civil Evidence 701 provides that, "If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is: (a) rationally based on the witness's perception; and helpful to clearly understanding the witness's testimony or to determining a fact in issue."

2.3. Texas Rule of Civil Evidence 702 provides that, "A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form

of an opinion or otherwise if the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue." The burden is on the proponent of the witness to show that they are an expert in their particular field. *General Motors Corp. v. Iracheta*, 161 S.W.3d 462, 470 (Tex. 2005).

2.4. Texas Rule of Civil Evidence 703 provides that, "An expert may base an opinion on facts or data in the case that the expert has been made aware of, reviewed, or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted."

2.5. Texas Rule of Civil Evidence 801 provides in part that, "'Hearsay' means a statement that: (1) the declarant does not make while testifying at the current trial or hearing; and (2) a party offers in evidence to prove the truth of the matter asserted in the statement." Texas Rule of Evidence 802 provides in part that, "Hearsay is not admissible unless any of the following provides otherwise: a statute; these rules; or other rules prescribed under statutory authority."

2.6. The decisions of the United States Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and the Texas Supreme Court in *E.I. du Pont de Nemours & Co. v. Robinson*, 923 S.W.2d 549 (Tex. 1995) establish the function of the District Court as the gatekeeper with regard to expert testimony. These decisions set forth the following broad general functions of the Court in discharging its gatekeeper mission:

1. Helpfulness. The expert's witness' testimony must assist the trier of fact. The witness must have some specialized knowledge to assist the trier of fact in making his determination. If the fact finder

is equally competent to determine an issue, the expert opinion will be struck. *Honeycutt v. K-Mart*, 24 S.W.3d 357 (Tex. 2000).

2. Qualification. The expert must be qualified to render such opinions; Rule 702 allows expert testimony providing the “witness (is) qualified as an expert by knowledge, skill, experience, training or education.” The party offering such expert testimony has the burden to prove the expert witness is qualified. *United Blood Servs. v. Longoria*, 938 S.W.2d 29, 31 (Tex. 1997).
3. Relevance. The expert opinion must be relevant to be admissible. The events must “fit” the issue. The opinion must be “sufficiently tied to the facts of the case that it will aid the jury in resolving a factual dispute.” 509 U.S. 591-92.
4. Methodological Reliability. The expert must explain the methodology used by the expert to formulate his opinion, and such methodology must be reliable since an unreliable methodology will not produce testimony to assist the jury. *Robinson* adopted the six factors testified to in *Daubert* for determining whether the technique or principle is reliable, but also stresses the factors are both flexible and non-exhaustive. *Id.* 557.<sup>1</sup> It focuses solely on the underlying

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<sup>1</sup> While there are many factors that a court may consider in making the threshold determination of admissibility under Rule 702 of the Texas Rules of Civil Evidence, they include at least the following:

1. The extent to which the theory has been or can be tested;
2. The extent to which the technique relies upon the subjective interpretation of the expert;
3. Whether the theory has been subjected to peer review and/or publication;
4. The technique’s potential rate of error;
5. Whether the underlying theory or technique has been generally accepted as valid by the relevant scientific community; and
6. The non-judicial uses which have been made of the theory or technique.

*Robinson*, 923 S.W.2d at 557.

principles and methodology, not on the conclusions they generate. *Id. Daubert*, 509 U.S. at 559.

5. **Connective Reliability.** The expert must be able to connect the foundational data and facts to the expert's conclusions. When the expert's analysis from facts to conclusions includes a leap of faith and the expert is unable to explain the connection, then the expert's opinion should not be admissible. *In Re Paoli RR Yard PCB Litig.*, 35 F.3d 715, 719 (3<sup>rd</sup> Cir. 1994); *General Motors Electric Co. v. Joiner*, 522 U.S. 136 (1997) provides a discussion with regard to this factor. The District Court must ensure that the expert's extrapolation from the facts forming the basis of the expert's opinion to the expert's opinion is sound.
6. **Foundational Reliability.** The opinions of experts must be supported by an adequate foundation of relevant facts, data or evidence. The absence of such foundation requires striking the expert opinion is based on conjecture or speculation. Furthermore, the source of underlying data for expert's opinion "must themselves be reliable." *Workers' Compensation Commission v. Garcia*, 862 S.W.2d 61, 105 (Tex. App.—San Antonio 1993) rev'd on other grounds 89 3 S.W.2d 504 (Tex. 1995). The court must analyze the evidence and data underlying the expert's opinion. "If an expert relies upon an unreliable foundational data any opinion drawn from that data is ... inadmissible." *Helena Chem. Co. v. Wilkins*, 47 S.W.3d 486, 489 (Tex. 2001). The Texas Supreme Court has determined that an opinion is not admissible if there is no adequate foundation and the underlying facts are unreliable. The expert opinion does not become admissible by use of "magic language" such as based on "reasonable medical probability." *Merrell Dow Pharmaceuticals v. Havner*, 953 S.W.2d 706 (Tex. 1997). In this connection, the opinion must not be contrary to any disputed facts and the opinion must not be conclusionary. Instead, the expert must disclose the factual basis of the opinion when the opinion is challenged. *Brown v. Eight Gates*, 36 Hous. L. Rev. at 823-26.
7. **The Expert's Reliance on Inadmissible Evidence is Limited.** Rule 703 of the Texas Rules of Civil Procedure allows an expert to base an opinion upon facts and documentation not admissible into evidence if such facts and documentation are the type relied upon by other experts in the expert witness' field. The trial judge must determine (1) whether other experts in the field rely upon the facts or data and (2) whether such reliance is reasonable. Nevertheless, the trial court is not bound to accept expert testimony based on questionable data simply because other experts use such data in

the field and the underlying data should be independently evaluated. *Havner*, 953 S.W.2d at 713.

8. Rule 403. The expert's opinion must not be unfairly prejudicial and cumulative. "Expert evidence can be both powerful and quite misleading because of the difficulty in evaluating it. Because of this risk the judge in weighing possible prejudice against probative force under Rule 403 exercise more control over experts than over lay witnesses." *Daubert*, 509 U.S. at 595; *U.S. v. Posado*, 57 F.3d 428, 435 (5<sup>th</sup> Cir. 1995).

Furthermore, the party designating the expert as its witness has the responsibility to submit competent evidence that the expert should be allowed to express the opinion to the fact finder. *United Blood Servs. v. Longoria*, 938 S.W.2d 29, 31 (Tex. 1997).

2.7. *Daubert* and *Robinson* dealt with scientific expert opinions, but the decisions of the United States Supreme Court in *Kumho Tire Co. v. Carmichael*, 526 U.S. 127 (1999) and the Texas Supreme Court in *Gammill v. Jack Williams Chevrolet, Inc.*, 972 S.W.2d 713 (Tex. 1998) addressed the issue of whether the Court's function as gatekeeper was the same in connection with the experts who provided testimony on the basis of their experience. *Gammill* did not establish all criteria of assessing experience-based testimony, but the Court specified some criteria for such experience-based testimony. The *Gammill* Court quoted from *General Electric Co. v. Joiner*, 522 U.S. 136 (1997) that a court should not accept expert testimony that is connected to the evidence "only by the *ipse dixit* of the expert" because there may be "too great an analytical gap between the data and the opinion proffered." *Gammill*, 972 S.W.2d at 726. The *Gammill* Court stated that the *Joiner* formulation recited by the *Havner* rule was correct, i.e. "It is not so simply because 'an expert says it is so.'" *Id.* (quoting *Havner*, 953 S.W.2d at 712). In this connection, the Supreme Court approved the use by the trial court of the analytical gap test and other appropriate guidelines from



*Daubert/Robinson* in connection with experience-based testimony. Likewise, the decisions of the Texas Supreme Court and the Courts of Appeals indicated other factors may be utilized by the courts in determining if the opinions of the expert are reliable and admissible.

2.8. In the case now before this SOAH ALJ, LMWD bears the burden of proving Jackson's opinions are admissible under the case law and rule cited above. For the reasons set forth below, Jackson's testimony should be excluded.

### **III. OBJECTION TO LMWD'S DIRECT TESTIMONY**

3.1. SPI objects to Jackson's testimony as prohibited by Texas Rules of Evidence 701 and 702 because he is not an expert on calculations of raw water rates. He is basing his opinions on the calculation methodology he himself initiated and has used for the District for 23 years, essentially making himself an expert in methodology he created. See Jackson Testimony at page 4, lines 4 through 9, page 6, line 16 through 23, and page 18, lines 2 through 13.

3.2. SPI objects to Jackson's testimony at page 4, lines 19 through 21 that the customers of LMWD have accepted his raw water rate approach as misleading, confusing the issues, and hearsay. On the contrary, SPI, the largest of only three (3) raw water customers in the District, has been a vocal opponent of the District's increasing water rates for years. All such rates were adopted by the LMWD after Jackson recommended them. Tex. R. Civ. Evid. §§402 and 802.

3.3. SPI objects to Jackson's testimony at page 12, lines 5 through 8 that the LMWD's financial position is sound and stable. Jackson is not qualified as an expert by knowledge, skill, experience, training, or education to offer this opinion. Tex. R. Civ. Evid.

§702. He has testified at page 2, lines 20 through 21, that he has experience setting utility rates, financing the costs of growth and generating revenues to fund desired services. Nowhere in his testimony does he discuss any knowledge, skill, experience, training, or education in analyzing a water district's *financial position*. Further, he offers no basis for his conclusion that it is sound and stable, nor what he considers "sound and stable" to mean. Further, this testimony concerning the LMWD's financial position lacks foundational facts and data to support this opinion. Tex. R. Civ. Evid. §703. By this testimony, Jackson attempts to confuse the issues of financial condition and the reasonable rate charged for raw water. Tex. R. Civ. Evid. §403. He does not explain why LMWD needs \$15,000,000 in non-capital assets, and how that is factored into his calculation of a raw water rate, if at all.

3.4. SPI objects to Jackson's testimony at page 14, lines 11 through 12 that LMWD has increased its rates in recent years like utilities throughout the state of Texas. Tex. R. Civ. Evid. §703. Jackson does not identify which utilities in Texas he is referring to, nor does he not state he has reviewed such data, or that he is personally aware of it. At his deposition on November 21, 2019, he testified he does not know what other districts charge for raw water, nor did he use comparables in his calculations and water rate recommendations to the LMWD. Again, Jackson attempts to confuse the issues of financial condition and the reasonable rate charged for raw water. Tex. R. Civ. Evid. §403.

3.5. SPI objects to Jackson's testimony at page 14, lines 15 through 17, that LMWD incurs significant costs in transporting raw water, delivering treated water, and collecting and treating wastewater for its unique service area. This confuses the issues before the SOAH ALJ, because the costs of delivering treated water and collecting and

treating wastewater should not be allocated to raw water customers. Further, the transportation of raw water is done for all customers of LMWD, not just raw water customers. Tex. R. Civ. Evid. §403.

3.6. SPI objects to Jackson's testimony at page 14, lines 22 through 25 that LMWD is managed prudently, and that LMWD has made the necessary but difficult decisions to set its rates and fees for services at a level that will ensure continued financial health. He has not shown he is qualified to make these conclusions; the conclusions are not supported by data, and confuses the issues. Tex. R. Civ. Evid. §§403, 702 and 703.

3.7. SPI objects to Jackson's testimony at page 15, lines 12 through 14, and lines 18 through 22, that a fair and reasonable rate calculation included LMWD's anticipated new raw water customers, both inside and outside the boundaries of LMWD. This is misleading and confuses the issues because SPI is within the boundaries of the LMWD. Moreover, there have never been more than three (3) raw water customers in the LMWD. Tex. R. Civ. Evid. §403. There is simply no data to support his conclusion that this "anticipated" factor must be taken into consideration. Tex. R. Civ. Evid. §§703 and 801.

3.8. SPI objects generally to Jackson's testimony to the extent he opines on the costs of transporting raw water for 26 miles from the Rio Grande River to the reservoir. This is misleading and confuses the issues. Tex. R. Civ. Evid. §403. All of the LMWD customers benefit from this transportation, not just the raw water customers.

3.9. SPI objects to Jackson's testimony at page 15, line 30 through page 16, line 10 to the extent he asserts that raw water customers need to pay for a transportation system for which they paid little or none of the cost. The raw water customers were not

using the line for the first 8 years after its installation. This is not based on data; Jackson has not shown he is qualified to make this conclusion, and it is misleading. Tex. R. Civ. Evid. §§403, 702 and 703.

3.10. SPI objects to Jackson's testimony at page 16, lines 12 through page 17, line 2. Jackson is drawing unreasonable conclusions not based on any facts or data. Because he did not speak to SPI about these things, he concludes they did not have a problem with his calculations. LMWD has not established that Jackson is qualified to make such assumptions. Finally, these statements are highly prejudicial, based upon hearsay, and misleading. Tex. R. Civ. Evid. §§403, 701, 702, and 703. Jackson has drawn an unreasonable, illogical and highly prejudicial conclusion that because he is not aware of any concern from SPI in 1996, his methodology was somehow accepted by SPI and is reasonable. This is not the first time Jackson attempts to confuse issues by stating that a LWMD customer accepts his methodology, suggesting a sole customer has equal bargaining power with LMWD. Of note, Jackson testified at his deposition on November 21, 2019, and in his testimony at page 19, lines 19 through 20, that raw water customers account for less than 1% of revenue for LMWD.

3.11. SPI objects generally to Jackson's testimony as to the application of his Utility Basis Methodology as it fails to segregate costs associated with supplying water to raw water customers as opposed supplying water to potable water customers. He confuses the issues, misleads the SOAH ALJ and the parties, and employs an unreasonable application of the Utility Basis Methodology which serves as the basis of his opinions and conclusions on the ultimate issues of a fair, just and reasonable raw water rate. Tex. R. Civ. Evid. §§403, 701, and 703.

3.12. SPI objects to Jackson's testimony at page 17, lines 17 through 26 that calculating a rate for customers inside the boundaries of LMWD (who pay taxes to LMWD) and another rate for customers outside the boundaries of LMWD would be perceived as unfair. He has not shown he is qualified to make this assumption – which defies common sense. This opinion is unsupported by data, leads to an absurd conclusion, is hearsay, and is misleading because he has done the exact opposite—in no way improving the result—while claiming his calculations to be reasonable and fair. Tex. R. Civ. Evid. §§403, 701, 702, 703, and 801. Further, SPI objects to Jackson's testimony at page 29, lines 14 through 18 about historical and “potential” raw water customers outside of the LMWD's boundaries. There is no historical data nor potential raw water customers outside of the LMWD's boundaries. Tex. R. Civ. Evid. §§703, 801. SPI is not outside of the boundaries.

3.13. SPI objects generally to Jackson's testimony as unreliable, unreasonable, and not supported by reliable data. Tex. R. Civ. Evid. §§701, 703. As the LMWD consultant for about 28 years, Jackson improperly forecasted what he considers reasonable raw water rates various times. His 2015 rate study is completely inconsistent with his 2018 draft rate study and final 2018 rate study. He is using his own model, and his model has been shown by his own subsequent rate studies to be unreliable in forecasting future raw water rates. For example, at page 19, line 31 through page 20, line 2 he testifies that the true raw water rate is allegedly higher than his 2018 rate study. And in his recent deposition, he acknowledged several errors in his 2015 rate study, resulting in a 27% increase in water rates in the same year (2018).

3.14. SPI objects generally to Jackson's failure to provide a schedule of assets related to the supply and delivery of raw water, to establish what costs he attributed to raw water users versus what he attributed to potable water users. His calculations with respect to raw water users are wholly unsupported by data. Tex. R. Civ. Evid. §703. He speaks in general terms when claiming he only allocated costs associated with raw water to the calculation of the raw water rate. His opinions are lack foundation, are unreliable, and unreasonable. Tex. R. Civ. Evid. §§701 and 703.

3.15. SPI objects generally to Jackson's reliance on the LMWD staff's opinions as to what costs are associated with raw water and which costs are not. There is no evidence that LMWD staff are qualified to render such opinions on which Jackson bases his opinions. Tex. R. Civ. Evid. §701, 702, 703.

3.16. SPI objects to Jackson's testimony at page 29, lines 2 through 12. Jackson asserts, without supporting facts or data, that LMWD has invested \$17.8 million in assets for transporting raw water. He further testifies, without supporting facts or data, that LMWD is assuming a risk in acquiring water rights for servicing raw water customers. There is no data to show why this is a risk, how long a water right is purchased for, the cost of a water right, the water rights needed for serving potable water customers versus raw water customers, etc. Tex. R. Civ. Evid. §703.

3.17. SPI objects to Jackson's testimony at page 29, line 30 through page 30, line 29, that water rights are becoming increasingly scarce and ever more expensive. He only offers what LMWD paid in 2018 for water rates and provided no facts to support this opinion. Tex. R. Civ. Evid. §703. Jackson simply offers a value he assessed to the LMWD's water rights without assigning values, calculations or other data to support the

number he arrived at. This is no foundation, the opinions are misleading, and confuse the issues. Tex. R. Civ. Evid. §403.

3.18. SPI objects to Jackson's testimony at page 31, lines 9 through 19 that he properly and reasonably calculated the rate of return. The opinions are unreliable because the rate does not segregate the debt owed for wastewater and treated water assets from that owed by raw water (which is none). Tex. R. Civ. Evid. §403. It further fails to justify the inclusion of a rate of return in the calculation for raw water rates with data or facts. Tex. R. Civ. Evid. §703.

3.19. SPI objects to Jackson's testimony at page 36, lines 1 through 31 that raw water rates charged by other districts in the Rio Grande Valley are not relevant to calculating the LMWD's raw water rate. He offers several reasons, none of which are supported by data or facts. Tex. R. Civ. Evid. §703. He speaks vaguely about other districts and only in generalities. Interestingly, Jackson's 2018 Water Rate Study, which is attached to his prefiled testimony, has numerous references to Rio Grande Valley comparables for *treated* water rates.

3.20. SPI objects to Jackson's testimony at page 37, lines 1 through 11 that LMWD's small revenue from raw water customers (less than 1% of LMWD's ratepayer revenue) justifies him using general assumptions to set the raw water rate. Jackson admits his opinions are not supported by data or facts and that they are assumptions, which unfairly and unreasonably diminishes the importance of SPI's claims. Tex. R. Civ. Evid. §§403 and 703. "My opinion has always been that the dollars at stake in these proceedings are not a substantial portion of the District's revenue base...The nominal amount of revenues certainly justifies my use of general assumptions in the rate study to

set the raw water rate..." id. Jackson admitted he did not do the leg work to properly review the raw water rates in his studies, and in his testimony. His opinions as to a fair and reasonable raw water rate are therefore entirely unreliable.

### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, South Padre Island Golf Course respectfully requests that the State Office of Administrative Hearings Administrative Law Judge sustain its objections, enter an order striking the Direct Testimony and Attachments of Dan V. Jackson and preventing him from testifying and/or offering opinions at the hearing on the merits of this cause, as requested herein, and grant it such other and further relief to which it may be entitled.

Respectfully submitted,

ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P

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**ATTORNEYS FOR RATEPAYER**



**Certificate of Service**

I hereby certify, that a true and correct copy of the above and foregoing document was served via facsimile, certified mail/regular U.S. first class mail, and/or e-mail upon the following counsel of record on this the 21<sup>st</sup> day of November 2019.

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***/s/ James H. Hunter, Jr.***  
***Of Royston, Rayzor, Vickery & Williams, L.L.P.***

Docket No. 49154  
SOAH Docket No. 473-19-5677.WS

RATEPAYERS' APPEAL OF THE DECISION BY LAGUNA MADRE WATER DISTRICT TO CHANGE RATES	§ § § § §	BEFORE THE STATE OFFICE  OF  ADMINISTRATIVE HEARINGS
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RATEPAYERS' FIRST SET OF REQUESTS FOR INFORMATION  
TO LAGUNA MADRE WATER DISTRICT

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TO: Laguna Madre Water District, by and through its attorney of record:

Brian J. Hansen  
LAW OFFICES OF FRYER & HANSEN, PLLC  
1352 West Pecan Blvd  
McAllen, Texas 78501

COME NOW, **South Padre Island Golf Course via the undersigned SPI Golf Homeowners JV, Inc. ("Ratepayers")**, and propound the following First Set of Requests for Information to you under the provisions of Subchapter H of the Commission's procedural rules, and request you to produce and permit the Ratepayers, or someone acting on their behalf, to inspect and copy at the offices of Royston, Rayzor, Vickery & Williams, L.L.P., 55 Cove Circle, Brownsville, Texas the following designated documents and things within twenty (20) days after receipt hereof.

**DEFINITIONS**

As used herein, the following terms shall have the meaning indicated below:

A. **Person** means natural persons, corporations, partnerships, sole proprietorships, unions, associations, federations or any other kind of entity.

B. **Document** means any printed, typewritten, hand written, mechanically or otherwise recorded matter of whatever character including but without limitation, letters, purchase orders, memoranda, telegrams, notes, catalogues, brochures, diaries, reports, calendars, inter or intra-office communications, depositions, answers to interrogatories,

pleadings, judgments, newspaper articles, photographs, tape recordings, motion pictures and any carbon or photographic copies of any such material if you do not have custody or control of the original. If any document requested to be identified was not or is no longer in your possession or control or is no longer in existence, state whether it is:

1. Missing or lost;
2. Destroyed;
3. Transferred voluntarily or involuntarily to others, and, if so, to

whom; or,

4. Otherwise disposed of, and in each instance explain the circumstances surrounding an authorization of such disposition thereof, state the approximate date thereof and describe its contents.

C. **You** and **Yours** shall mean the party to whom these questions are directed as well as agents, employees, attorneys, investigators and all other **persons** acting for said party.

D. **Reference to Documents.** In those instances when the responding party chooses to answer a request for information by referring to a specific document or record, it is requested that the specification be in sufficient detail to permit the requesting party to locate and identify the records and/or documents from which the answer is to be ascertained, as readily as can the party served with the request.

E. **Document Destruction.** It is requested that all documents and/or other data compilations that might impact on the subject matter of this litigation be preserved and that any ongoing process of document destruction involving such documents cease.

### **INSTRUCTIONS**

A. Documents produced in response hereto shall be organized and designated to correspond to the category in the request or produced as they are kept in the usual course of business.

B. If privileged or work product protection is claimed as a ground for withholding production of one or more documents, in whole or in part, the response hereto shall identify the date of the document, its subject matter, its length, its attachments, if any, its present custodian and all recipients thereof, whether indicated

on the documents or otherwise and shall describe the factual basis for the claim of privileged or work product protection in sufficient details so as to permit the Court to adjudicate the validity of the claim.

C. In the event that a document called for by these requests has been destroyed, the response hereto shall identify the prepare of the document, its addresser, addressee, each recipients thereof, each person to whom distributed or shown, date prepared, date transmitted (if different), date received, a description of the contents and subject matter, the date of its destruction, the manner of its destruction, the name, title, and address of each person authorized in its destruction, the reason for its destruction, the name, title and address of the person destroying the document and a description of efforts to locate the document and copy it.

Respectfully submitted,

**ROYSTON, RAYZOR, VICKERY & WILLIAMS, LLP**

By: /s/ Liliana Elizondo  
James H. Hunter, Jr.  
State Bar No. 00784311  
[jim.hunter@roystonlaw.com](mailto:jim.hunter@roystonlaw.com)  
Liliana Elizondo  
State Bar No. 24078470  
[liliana.elizondo@roystonlaw.com](mailto:liliana.elizondo@roystonlaw.com)  
55 Cove Circle  
Brownsville, TX 78521  
Tel: (956) 542-4377  
Fax: (956) 542-4370  
**ATTORNEYS FOR RATEPAYERS**

**Certificate of Service**

I hereby certify, that a true and correct copy of the above and foregoing document was served via facsimile, certified mail/regular U.S. first class mail, and/or e-mail upon the following counsel of record on this the 2<sup>nd</sup> day of December 2019.

Brian J. Hansen  
Law Offices of Fryer & Hansen, PLLC  
1352 West Pecan Blvd  
McAllen, Texas 78501  
[email@fryerandhansen.com](mailto:email@fryerandhansen.com)  
***Attorney for Laguna Madre Water District***

Kourtnee Jinks  
Public Utility Commission of Texas Legal Division  
1701 N. Congress Avenue  
P.O. Box 13326  
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***Attorney for Public Utility Commission***

Stephen Journeay  
Public Utility Commission of Texas  
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Austin, Texas 78711-3326  
[desiree.garcia@puc.texas.gov](mailto:desiree.garcia@puc.texas.gov)  
***Commission Counsel for Public Utility Commission***

**/s/ Liliana Elizondo**  
**Of Royston, Rayzor, Vickery & Williams, L.L.P.**

### **FIRST SET OF REQUESTS FOR INFORMATION**

1. Please produce all studies prepared by or for Laguna Madre Water District regarding raw water since in or after 1988.

**RESPONSE:**

2. Please produce all invoices received from Dan V. Jackson, Economists.com, Willdan, and any other firm for whom Dan V. Jackson's work the invoice charged Laguna Madre Water District from 1988 to the present.

**RESPONSE:**

3. Please produce copies of all payments made to Dan V. Jackson, Economists.com, Willdan, and any other firm for work by Dan V. Jackson from 1988 to the present.

**RESPONSE:**

4. Please identify all Laguna Madre Water District raw water rate increases from 1988 to the present by amount and date.

**RESPONSE:**

5. Please identify the composition of the water line used by Laguna Madre Water District to transport water to South Padre Island Golf Course.

**RESPONSE:**

6. Please identify the age of the water line used by Laguna Madre Water District to transport water to South Padre Island Golf Course.

**RESPONSE:**

7. Please identify the dimensions of the water line used by Laguna Madre Water District to transport water to South Padre Island Golf Course.

**RESPONSE:**

8. Please identify the projected time of replacement of the water line used by Laguna Madre Water District to transport water to South Padre Island Golf Course, and explain how this projected time of replacement was calculated, including what it is based upon.

**RESPONSE:**

**PUC DOCKET NO. 49367  
SOAH DOCKET NO. 473 – 19 – 5831.WS**

<b>PETITION BY OUT OF DISTRICT</b>	<b>§</b>	<b>BEFORE THE</b>
<b>RATEPAYERS APPEALING THE</b>	<b>§</b>	
<b>WATER RATES ESTABLISHED BY</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>THE EL PASO WATER CONTROL</b>	<b>§</b>	
<b>AND IMPROVEMENT DISTRICT NO. 4</b>	<b>§</b>	<b>OF TEXAS</b>

**MOTION FOR FULL OR PARTIAL SUMMARY DECISION OF  
EL PASO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW Respondent El Paso County Water Control & Improvement District No. 4 (“Fabens District”) and pursuant to 16 Tex. Admin. Code § 22.182, files this Motion for Full or Partial Summary Decision on all or a portion of the issues raised in this proceeding, and would respectfully show as follows:

**I. Facts Upon Which this Motion for Summary Decision is Based**

The Fabens District is a political subdivision of the State of Texas created under Article XVI, Section 59, of the Texas Constitution (the “Conservation Amendment”), and operates as a water control and improvement district governed by Chapters 49 and 51, Texas Water Code. *See* TEX. SPEC. DIST. LOCAL LAWS CODE § 9048.051. Its jurisdictional boundaries are defined by the Texas Legislature. *See id.*, § 9048.003. The Fabens District imposes ad valorem taxes on taxable property within its boundaries.

In addition to serving its taxpayers and customers within its boundaries with water and wastewater services, the Fabens District also serves customers outside of its boundaries with those services as expressly allowed under Chapter 49, Water Code. *See* TEX. WATER CODE § 49.215. The Fabens District currently has 2,122 in-district and 261 out-of-district ratepayers for water service (for a total of 2,383 water connections), and 2,047 in-district and 194 out-of-district



ratepayers for sewer service (for a total of 2,241 sewer connections).<sup>1</sup> Naturally, the Fabens District does not impose or collect any taxes with respect to property outside of its jurisdictional boundaries, and instead relies solely on the rates charged to its out-of-district ratepayers in return for the services provided to them.

On March 22, 2019, certain out-of-district ratepayers of the District (“Petitioners”), residents of the Mesa del Norte subdivision, filed a petition with the Public Utility Commission of Texas (“PUC”) containing 83 signatures, and purporting to appeal rate increases for water and wastewater services provided by the District. More specifically, the Petitioners purport to contest:

- (1) a 5% rate increase that went into effect on January 1, 2019;
- (2) the 74.9% difference between the rates paid by out-of-district ratepayers as compared with in-district ratepayers (“In-District/Out-of-District Rate Differential”), without specifying when that rate difference went into effect;
- (3) the different rates charged by the Fabens District for different levels of water use (“Water Use Differentials”), without specifying when those rate differences went into effect.<sup>2</sup>

The PUC has referred this matter to the State Office of Administrative Hearings (“SOAH”)<sup>3</sup> and issued a Preliminary Order that identifies, for SOAH and its Administrative Law Judge (“ALJ”), the “issues that must be addressed in this proceeding.”<sup>4</sup> Those issues include whether the petition met the requirements of Tex. Water Code § 13.043(c) and 16 Tex. Admin. Code

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<sup>1</sup> See Affidavit of Jose Ramirez (with attachment) (included at Tab A).

<sup>2</sup> See Letter from Christopher Benoit to PUC with Exhibits (filed in this proceeding on March 22, 2019) (copy included at Tab B). Although the letter from counsel for the Petitioners transmitting the petition/signature pages to the PUC states that Petitioners contest “the differential rates charged for different levels of usage” the actual petition/signature pages make no mention of this issue. *See id.*

<sup>3</sup> Order of Referral (issued Jun. 27, 2019).

<sup>4</sup> Preliminary Order (issued Aug. 8, 2019) at 2.

§ 24.101(b). More specifically, the PUC has expressly determined that the following jurisdictional issues need to be addressed:

- Was the petition filed within 90 days after the effective date of the rate change?
- What number of ratepayers had their rates changed?
- Did the lesser of 10,000 or 10% of those ratepayers file valid protests to the rate change?<sup>5</sup>

## **II. Information and Materials that Demonstrate the Facts Set Forth Above**

Affidavit of Jose Ramirez – attaching Public Hearing Agenda and Minutes for Public Hearing on Rate Study (dated Dec. 15, 2015) with presentation (attached to and incorporated into those minutes) (included at Tab A)

Letter from Christopher Benoit filed with the Public Utility Commission of Texas on March 22, 2019 with attachments including Petition/Signature pages – initiating this proceeding (copy included at Tab B)

## **III. Laws and Legal Theories that Entitle the District to Summary Decision**

As shown below, the Petition should be dismissed and there should be no hearing on the merits because the PUC lacks appellate jurisdiction over the issues presented by the Petition.

Section 13.043, Water Code, establishes and describes (as well as limits) the appellate jurisdiction of the PUC over water and sewer rates. *See* TEX. WATER CODE § 13.043. Subsection (b) of that section provides that ratepayers of certain entities (including districts such as the Fabens District) “may appeal the decision of the governing body of the entity affecting their water . . . or sewer rates” to the PUC. *Id.* § 13.043(b). Subsection (c) describes exactly how such an appeal is to be initiated, stating that it –

**must be initiated by filing a petition for review with the [PUC] . . . within 90 days after the effective day of the rate change . . . The petition must be signed by the lesser of 10,000 or 10% of those ratepayers whose rates have been changed and who are eligible to appeal . . . .**

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<sup>5</sup> *Id.*

TEX. WATER CODE § 13.043(c) (emphases added). Where these statutorily-mandated procedures are not followed, the PUC lacks jurisdiction over the appeal and must dismiss the proceeding. *See, e.g., City of Howardwick Ratepayers' Appeal of the Decision of the Red River Authority of Texas' Decision Affecting Water and Sewer Rates*, PUC Docket No. 46701, 2017 WL 697213 (Tex. P.U.C.) (“*City of Howardwick*”) (Order No. 4 Dismissing Proceeding) (issued Feb. 17, 2017) (copy attached at Tab C); *Ratepayers' Appeal of the Decision by City of Fritch to Change Water Rates*, PUC Docket No. 43086, 2015 WL 5920987 (Tex. P.U.C.) (copy included at Tab D).

As further explained below, Petitioners' attempt to appeal the District's decision to adopt a 5% across-the-board rate increase contains an insufficient number of signatures. Moreover, Petitioners' attempt to appeal the District's decision to adopt its rate differentials was not timely filed. The PUC therefore lacks jurisdiction over issues that the petition attempts to raise and this proceeding must therefore be dismissed.

**A. The petition contains an insufficient number of signatures to appeal the District's decision to impose a 5% across-the-board rate increase.**

As noted above, Petitioners attempt to appeal the District's decision to impose a 5% across-the-board rate increase. This rate increase, which became effective on January 1, 2019, applies to all of the District's ratepayers – *i.e.*, to those inside as well as to those outside of the District's jurisdictional boundaries. The Commission lacks jurisdiction over this issue because the petition is not signed by “the lesser of 10,000 or 10% of those ratepayers whose rates have been changed and who are eligible to appeal.” *See* TEX. WATER CODE § 13.043(c).

The total number of ratepayers whose rates have been changed as a result of the District's decision to adopt a 5% across-the-board rate increases and who are eligible to appeal is 2,383 with respect to water rates and 2,241 with respect to sewer rates. Ten percent of these amounts is 238

and 224 respectively. The petition is signed by 83 persons, which is far less than the number that would be required to appeal the 5% across-the-board rate increases.

A previous decision of the PUC is directly on point. *See City of Howardwick*, 2017 WL 697213 (Tab C). Residents of the City of Howardwick filed a petition to appeal a decision of the Red River Authority to increase retail water and sewer rates. The Authority had raised its retail water rates district-wide and, therefore, *all* of Red River's retail water customers experienced a rate change and were eligible to appeal, not just citizens of Howardwick. Because "the Authority serves 3,922 active water connections . . . at least 393 signatures of affected and eligible retail water customers were needed to perfect an appeal of Red River's water rate increase." *City of Howardwick*, 2017 WL 697213. Because the petition included only 136 signatures, the PUC determined that the residents of the City failed to meet the 10 percent requirement as set forth in Tex. Water Code § 13.043, and dismissed the petition for lack of jurisdiction.

Because the District's across-the-board 5% rate increase applies to all of its customers, the Petition, which contains 83 signatures, is deficient to initiate a challenge to the District's decision to implement that increase, and therefore Petitioners attempt to appeal that decision should be dismissed for lack of jurisdiction.

**B. Petitioners' attempt to appeal the District's decision to adopt its In-District/Out-of-District Rate Differential was not timely filed.**

Under the plain language of Tex. Water Code § 13.043, in order to appeal a rate increase, a petition must be filed with the Commission "within 90 days after the effective day of the rate change." TEX. WATER CODE § 13.043(c). The District's 74.9% In-District/Out-of-District Rate differential was established long prior to January 2019. The effective date of the In-District/Out-of-District Rate Differential that Petitioners attempt to appeal was January 1, 2016. Attached to this motion as part of Tab A are minutes from meetings held by the District's Board of Directors

on December 15, 2015, along with a rate study that was presented on that date (which is attached to and incorporated into those minutes), that show that the District 74.9% In-district/Out-of-District Rate Differential became effective on January 1, 2016. Petitioners filed their petition with the PUC attempting to appeal the In-District/Out-of-District Rate Differential on March 22, 2019, which is **1,175** days after the effective date of the In-District/Out-of-District Rate Differential. The PUC lacks jurisdiction over any appeal of the District's decision to adopt the In-District/Out-of-District Rate Differential because Petitioners' attempt to appeal that rate change not timely.<sup>6</sup>

**C. Alternatively, if PUC considers the effective date of the District's In-District/Out-of-District rate differential to be January 1, 2019, then the entire petition should be dismissed because it contains an insufficient number of signatures.**

As set forth above, the District contends that the effective date of its In-District/Out-of-District rate differential is January 1, 2015. *See supra* at 5-6. Alternatively, however, if the PUC disagrees and determines that January 1, 2019, is the effective date of the District's In-District/Out-of-District Rate Differential, then PUC still lacks jurisdiction to hear an appeal of the District's decision to adopt that differential. The District's In-District/Out-of-District Rate Differential affects not only out-of-district ratepayers but in-district ratepayers as well, and in-district ratepayers (just like out-of-district ratepayers) are eligible to appeal the District's decision to adopt the differential. Because the District's In-District/Out-of-District Rate Differential affects all of the District's ratepayers and all of those ratepayers are eligible to appeal, the petition, which contained, 83 signatures, was deficient to initiate a challenge to the District's decision to adopt that differential and the petition must be dismissed on that ground.<sup>7</sup>

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<sup>6</sup> To the extent that Petitioners seek to pursue an appeal of the District's Water Use Differential, this argument applies to that attempted appeal as well.

<sup>7</sup> To the extent that Petitioners seek to pursue an appeal of the District's Water Use Differential, this argument applies to that attempted appeal as well.

#### **IV. Conclusion and Prayer**

Because the pleadings, affidavits, materials obtained by discovery or otherwise, admissions, matters officially noticed and evidence of record show that there is no genuine issue as to any material fact, the District is entitled to a decision in its favor as a matter of law on the issues set forth herein. The District requests the Administrative Law Judge recommend dismissal of this rate proceeding in its entirety and with prejudice, and that the Public Utility Commission so dismiss this proceeding. Alternatively, the District requests that the Administrative Law Judge appropriately limit the issues to be heard in this proceeding. The District further requests that the ALJ and the Public Utility Commission of Texas grant all other relief to which the District is entitled.

Respectfully submitted,



By: \_\_\_\_\_

Andrew S. "Drew" Miller  
Andrew.Miller@kempsmith.com  
State Bar No. 00786857  
Sergio M. Estrada  
Sergio.Estrada@kempsmith.com  
State Bar No. 24080886  
KEMP SMITH LLP  
919 Congress Ave., Suite 1305  
Austin, Texas 78701  
Tel: (512) 320-5466  
Fax: (512) 320-5431

**ATTORNEYS FOR EL PASO  
COUNTY WATER CONTROL  
AND IMPROVEMENT DISTRICT  
NO. 4**

### CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve a true and correct copy of the foregoing document (including all attachments) via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail/Return-Receipt Requested to counsel for all parties on this 8th day of September, 2019, including:

Christopher Benoit  
1331 Texas Ave.  
El Paso, Texas 79901  
tel. 915-585-5118  
fax 915-544-3789  
[cbenoit@trla.org](mailto:cbenoit@trla.org)

Amy Johnson  
5836 SE Madison St.  
Portland, Oregon 97215  
tel. 503-939-2996  
[amy@savagejohnson.com](mailto:amy@savagejohnson.com)

Creighton R. McMurray  
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Austin, Texas 78711-3326  
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---

Andrew S. "Drew" Miller

STATE OF TEXAS                    )  
  )  
COUNTY OF EL PASO            )

**AFFIDAVIT OF JOSE RAMIREZ**

BEFORE ME, the undersigned authority, on this day personally appeared Jose Ramirez who, after being duly sworn on his oath, said and deposed as follows:

1. My name is Jose Ramirez. I am over 21 years of age, of sound mind, and in all respects qualified to make this affidavit. I have personal knowledge of all facts stated in this affidavit and those facts are true and correct.

2. I am employed as the General Manager of the El Paso County Water Control and Improvement District No. 4 ("District").

3. Attached to this affidavit is a true and correct copy of the following item which is an official document of the District and kept by the District:

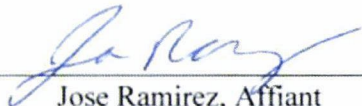
**Public Hearing Agenda and Minutes for Public Hearing on Rate Study  
(dated Dec. 15, 2015) with presentation (attached to and incorporated into  
those minutes)**

4. I have read the *Motion for Full or Partial Summary Decision of El Paso County Water Control and Improvement District No. 4* and all the facts contained therein are true and correct to the best of my knowledge.

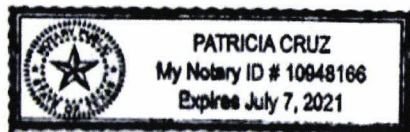
5. I further represent that the District currently has 2,122 in-district and 261 out-of-district ratepayers for water service, and 2,047 in-district and 194 out-of-district ratepayers for sewer service.

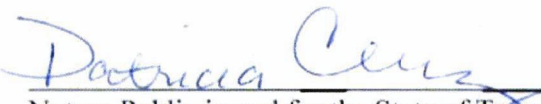
6. The effective date of the 75% differential between in-district and out-of-district water and sewer rates was January 1, 2016.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Jose Ramirez, Affiant

Sworn to and subscribed before me on this 5 th day of September, 2019.



  
\_\_\_\_\_  
Notary Public in and for the State of Texas  
July 07, 2021  
My Commission Expires





**EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4**  
P.O. BOX 3880      117 E. MAIN ST.      FABENS, TX 79838-3880  
(915) 764-2212      FAX (915) 764-4840

## NOTICE

### BOARD OF DIRECTORS SPECIAL PUBLIC MEETING

## PUBLIC HEARING

**TUESDAY, DECEMBER 15, 2015 at 5:30 P.M.**  
**BOARD ROOM @ 117 EAST MAIN ST., IN FABENS, TEXAS**

The El Paso County W.C.I.D. #4 will convene as posted to consider and/or take action on the following agenda items: (Items do not have to be taken in the same order as shown on this meeting notice.)

### PUBLIC HEARING AGENDA

1. **CALL MEETING TO ORDER.**
2. **ROLL CALL AND DETERMINATION OF QUORUM.**
3. **PLEDGE OF ALLEGIANCE.**
4. **APPROVAL OF MEETING AGENDA.**
5. **PRESENTATION OF DISTRICT RATE STUDY BY DAN JACKSON OF WILL DAN FINANCIAL SERVICES.**
6. **AUDIENCE COMMENTS.**

You must sign in before the meeting starts, print your name and state your business before the Board.

Parliamentary rules of order will be followed.

Anyone wishing to participate will agree to the following:

1. The Board will recognize each speaker.
2. Speakers will limit their remarks to 3 minutes.
3. No personal remarks or attacks will be allowed.
4. Only one person will be allowed to speak at a time and there will be no interruptions from the audience.

### 7. ADJOURN.

I, the undersigned authority, hereby certify that the above Notice of Meeting of the Board of Directors of the El Paso County Water Control & Improvement District No. 4 is a correct copy of the Notice and that I posted the Notice at the Fabens Post Office and at the District Office Bulletin Board located at 117 E. Main Street, Fabens, Texas 79838, and provided a notice to the El Paso County Clerk for posting in accordance with the Texas Open Meetings Act as required by law.

In this Notice of Open Meeting, the posting of an agenda item as a matter to be discussed in open session is not intended to limit or require discussion of that matter in open session if it is otherwise appropriate to discuss the matter in executive session. If during the discussion of any agenda item, a matter is raised that is appropriate for discussion in executive session the Board may, as permitted by law, adjourn into executive session to deliberate on the matter.

The posting of an agenda item as a matter of law to be discussed in executive session is not intended to limit or require discussion of that matter in executive session. The Board may discuss in open session any matter for which notice has been given in this Notice of Open Meeting, including an agenda item posted for executive session. In no event, however, will the board take action on any agenda item in executive session.

**Mike L. Terrazas, Jr.**  
**General Manager**  
**El Paso County Water Control & Improvement District #4**



# EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880  
(915) 764-2212



117 E. MAIN ST.  
FAX (915) 764-4840



FABENS, TX 79838-3880

## MINUTES FOR PUBLIC HEARING ON RATE STUDY

Tuesday, December 15, 2015

1. **Call meeting to Order.**

President Mario Aguirre called meeting to order at 5:30 p.m.

2. **Roll Call & Determination of Quorum.**

Quorum existed. Meeting proceeded.

		<u>Present</u>	<u>Absent</u>	<u>Comments</u>
Mr. Mario Aguirre	President	X		
Ms Magda C. Flores	Vice President	X		
Mr. Morgan Laird	Secretary	X		
Mr. Jose Ramirez	Member	X		
Ms. Barbara Telas	Member	X		

**District Staff:**

Mr. Mike L. Terrazas, Jr	General Manager
Mr. Martin Madrid	Field Manager
Ms. Lala Garcia	Office Manager
Ms. Patricia Cruz	Administrative Assistant

**Consultants:**

Mr. Horacio Juarez	Consulting Engineer (CDM-Smith)
--------------------	---------------------------------

**Visitors:**

Mr. Dan Jackson	Willdan Financial Services
Mrs. Truena Teasley	Rasberry & Assoc.

3. **Pledge of Allegiance.**

4. **Take up, consider and take action on meeting agenda.**

**Discussion:** No discussion.

**Motion made by Ms. Flores to approve meeting agenda.**

**Seconded by Mr. Ramirez.**

**Vote:**

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Mr. M. Aguirre	X			
Ms. M. Flores	X			
Mr. M. Laird	X			
Mr. J. Ramirez	X			
Ms. B. Telas	X			

**Motion: Passed**



# EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880  
(915) 764-2212



117 E. MAIN ST.  
FAX (915) 764-4840



FABENS, TX 79838-3880

Public Hearing  
December 15, 2015

5. Presentation of District Rate Study by Dan Jackson of Willdan Financial Services.

**Discussion:** Mr. Dan Jackson from Willdan Financial Services gave a comprehensive PowerPoint presentation on the District's water and wastewater rate analysis and long-term financial plan. Mr. Dan Jackson suggested that the District review the rate study every three years, weather they adopt a 5 year plan or a 10 year plan.

**No action required for this item.**

6. Audience Comments.

No audience.

7. Motion to adjourn.

**Discussion:** No discussion.

**Motion made by Mr. Ramirez to adjourn.**

**Seconded by Ms. Telas.**

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Mr. M. Aguirre	X			
Ms. M. Flores	X			
Mr. M. Laird	X			
Mr. J. Ramirez	X			
Ms. B. Telas	X			

**Motion: Passed**

**Meeting Adjourned at 5:56 p.m.**

Signature

Date Approved

#5



El Paso County WCID #4

**Water and Wastewater Rate Analysis**

**And Long Term Financial Plan**

**Public Hearing**

economists.com

December 2015

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**Facts about Water and Wastewater Rates  
in the 21<sup>st</sup> Century**




- ❖ Average utility has been increasing rates 5-6% per year
- ❖ AWWA has stated that it expects water and ww rates across the USA to triple in the next 15 years
- ❖ Many reasons for rate increases are beyond a Utility's ability to influence
- ❖ Conclusion: higher rates are an unfortunate but inevitable fact of life in USA

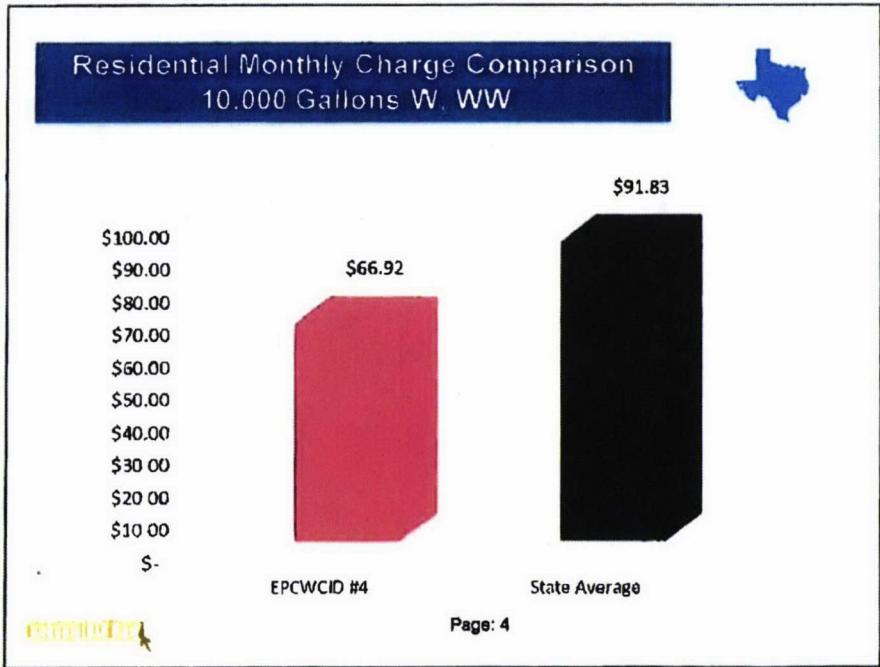


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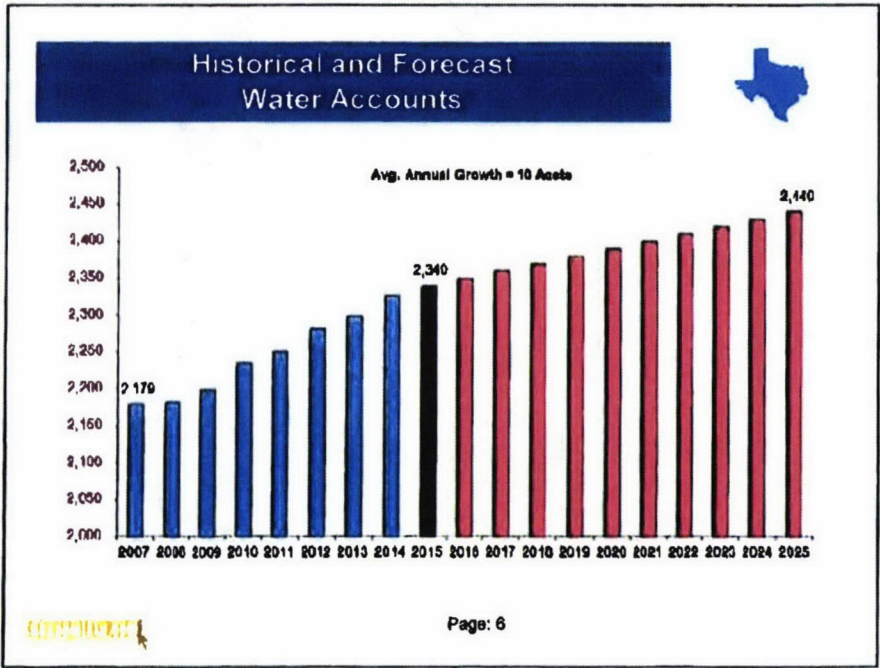
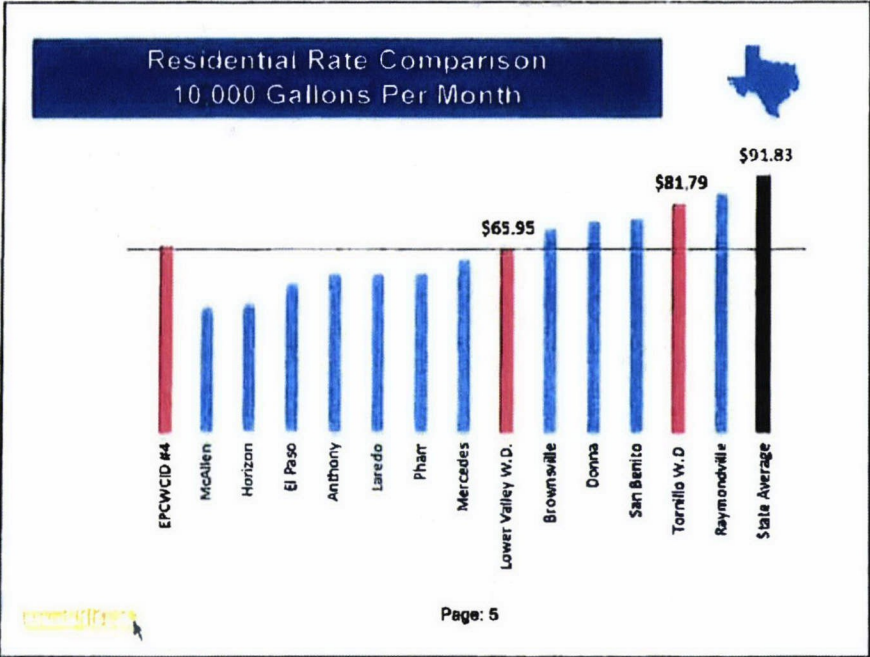
EPCWCID #4		Current Water/WW Rates			
		Residential	Commercial		
Customer Charge		\$ 2.50	\$ 2.50		
Minimum Charge (1st 3,000 Gal)		18.32	27.87		
3,001	15,000	1.84	2.28		
15,001	34,000	3.18	3.88		
34,001	1,000,000	3.88	4.76		
1,000,001	Above	5.06	6.20		
WASTEWATER					
Minimum Charge (1st 3,000 Gal)		29.20	56.99		
3,001	Above	2.01	2.87		

Page: 3



Page: 4





## El Paso County WCID #4 Cost of Service Forecast Assumptions



Very little growth expected

NADB transition assistance has ended; funding must be replaced by rate revenue

Most costs will continue to increase 3-5% per year

Most significant impact on rates – funding of repairs and capital improvements to water and wastewater system



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## Water/WW Improvement Project Total Capital Funding Needs



### WATER IMPROVEMENTS

I-10 Tank, Booster and Collection Line	\$ 1,875,000
Nano Filtration System	1,864,000
CC Camp to 10th Street Well Collection Line	50,000

**Total 3,389,000**

### WASTEWATER IMPROVEMENTS

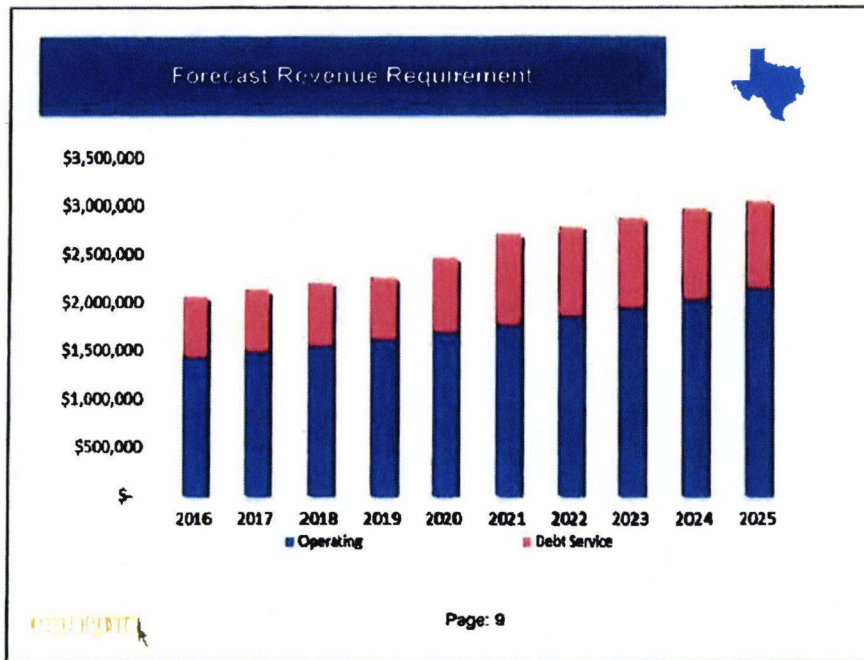
Sewer Force Main	\$ 1,400,000
Hard Lift Station (Replacement)	2,500,000

**Total 3,900,000**

**TOTAL IMPROVEMENTS \$ 7,289,000**



Page: 8



**Forecast Revenue Requirement**

	2016	2017	2018	2019	2020
Operating	\$ 1,350,000	\$ 1,411,982	\$ 1,477,535	\$ 1,546,904	\$ 1,620,353
Capital Outlays	100,000	100,000	100,000	100,000	100,000
Debt Service	632,271	631,558	631,718	631,704	757,370
<b>Total Cost of Service</b>	<b>2,082,271</b>	<b>2,143,540</b>	<b>2,209,253</b>	<b>2,278,608</b>	<b>2,477,723</b>

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# Proposed Rate Plan Residential Inside

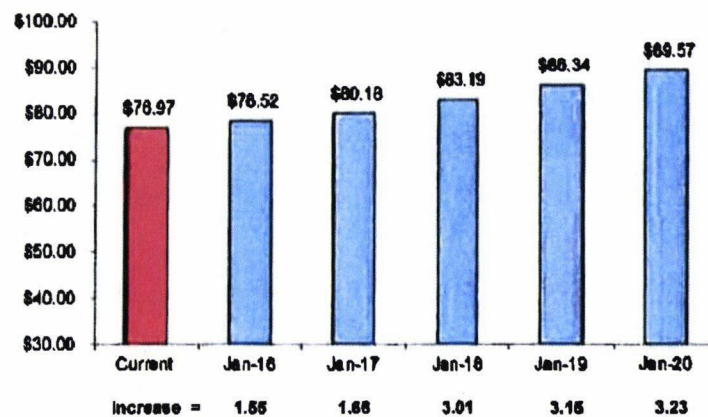


		Effective Current	Effective Jan-16	Effective Jan-17	Effective Jan-18	Effective Jan-19	Effective Jan-20
<b>Customer Charge</b>		\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50
<b>WATER -- Inside Residential</b>							
<b>Minimum Charge (1st 3,000 Gal)</b>		18.32	19.24	20.20	21.21	22.27	23.38
3,001 15,000		1.84	1.93	2.03	2.13	2.24	2.35
15,001 34,000		3.18	3.34	3.51	3.69	3.87	4.06
34,001 1,000,000		3.88	4.07	4.27	4.48	4.70	4.94
1,000,001 Above		5.06	5.31	5.58	5.86	6.15	6.46
<b>WW -- Inside Residential</b>							
<b>Minimum Charge</b>		29.20	29.20	29.20	30.06	30.98	31.91
3,001 Above		2.01	2.01	2.01	2.07	2.13	2.19



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# Impact on Monthly Bills -- Residential Inside 10,000 Gallons Water and WW



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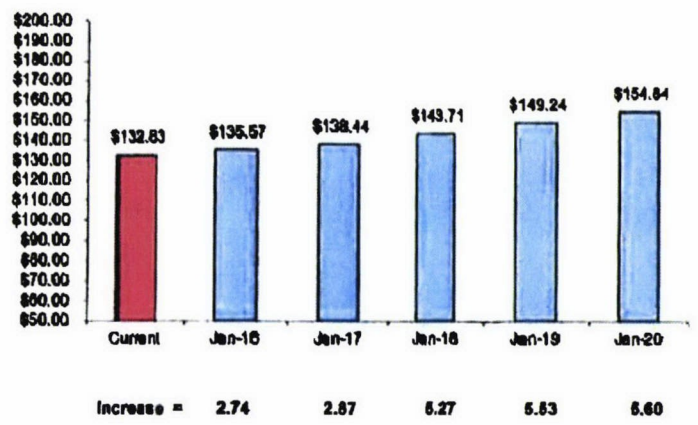
# Proposed Rate Plan Residential Outside




	Current	Effective Jan-16	Effective Jan-17	Effective Jan-18	Effective Jan-19	Effective Jan-20
<b>Customer Charge</b>	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50
<b>WATER -- Outside Residential</b>						
Minimum Charge (1st 3,000 Gal)	32.06	33.67	35.35	37.12	38.97	40.92
3,001 15,000	3.22	3.38	3.55	3.73	3.92	4.11
15,001 34,000	5.56	5.85	6.14	6.46	6.77	7.11
34,001 1,000,000	6.60	7.12	7.47	7.84	8.23	8.65
1,000,001 Above	8.65	9.29	9.77	10.26	10.76	11.31
<b>WW -- Outside Residential</b>						
Minimum Charge	51.09	51.10	51.10	52.64	54.22	55.84
3,001 Above	3.52	3.62	3.62	3.62	3.73	3.83



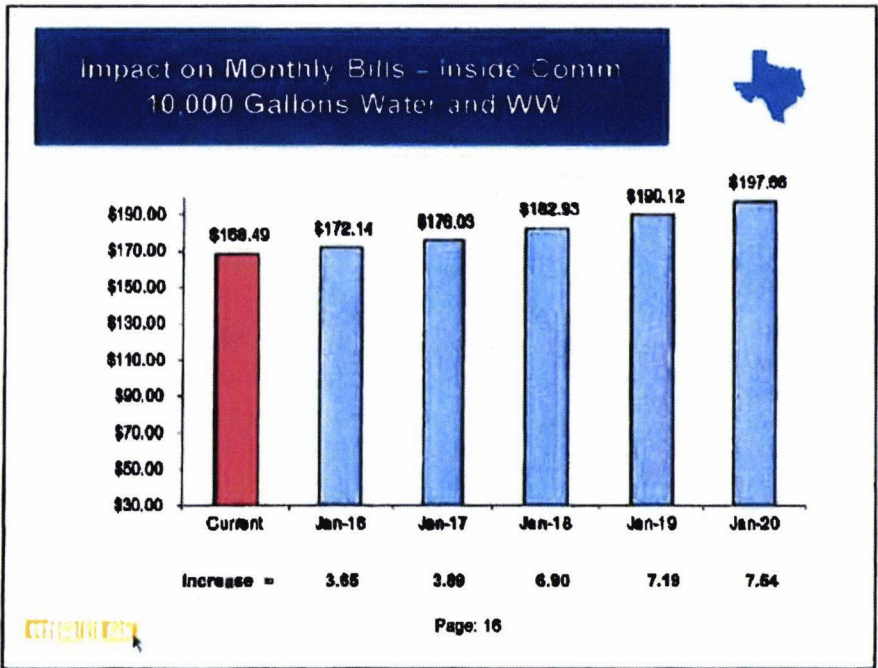
# Impact on Monthly Bills -- Residential Outside 10,000 Gallons Water and WW



Proposed Rate Plan Inside Commercial Small							
		Current	Effective Jan-16	Effective Jan-17	Effective Jan-18	Effective Jan-19	Effective Jan-20
Customer Charge		\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50
<b>WATER -- Inside Commercial Small</b>							
Minimum Charge (1st 3,000 Gal)		27.67	28.06	30.50	32.03	33.63	35.31
3,001 15,000		2.28	2.37	2.49	2.61	2.74	2.88
15,001 34,000		3.88	4.07	4.27	4.48	4.70	4.94
34,001 1,000,000		4.76	5.08	5.25	5.51	5.79	6.08
1,000,001 Above		6.20	6.51	6.84	7.18	7.54	7.92
<b>WW -- Inside Commercial Small</b>							
Minimum Charge		58.99	58.99	56.99	58.70	60.46	62.27
3,001 Above		2.87	2.87	2.87	2.96	3.05	3.14



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## Proposed Rate Plan Outside Commercial Small



	Current	Effective Jan-16	Effective Jan-17	Effective Jan-18	Effective Jan-19	Effective Jan-20
Customer Charge	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50

### WATER -- Outside Commercial Small

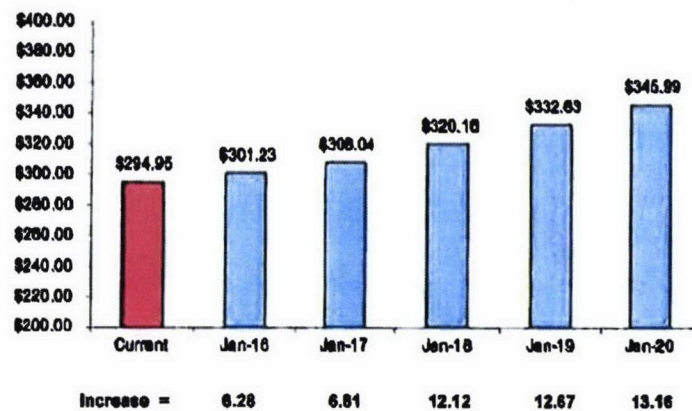
Minimum Charge (1st 3,000 Gal)	48.42	60.84	53.38	56.05	58.85	61.79
3,001 15,000	3.95	4.16	4.36	4.57	4.80	5.04
15,001 34,000	6.80	7.12	7.47	7.84	8.23	8.65
34,001 1,000,000	8.33	8.75	9.19	9.64	10.13	10.64
1,000,001 Above	10.85	11.39	11.97	12.57	13.20	13.86

### WW -- Outside Commercial Small

Minimum Charge	99.74	99.73	99.73	102.73	105.81	108.97
3,001 Above	5.03	5.02	5.02	5.18	5.34	5.50

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## Impact on Monthly Bills -- Outside Comm 10,000 Gallons Water and WW



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**Summary**  
**Why Must EPCWCID#4 Adjust Its Rates?**



**To pay operating expenses**

**To generate sufficient funds to repair and maintain the system**

**To ensure adequate level and quality of service**

**To meet environmental standards**

**To fund \$7,289,000 in Water and WW Improvement Projects**

**Page: 19**

**EL PASO COUNTY W.C.I.D. #4  
PUBLIC HEARING MEETING ON RATE STUDY  
IF YOU WISH TO ADDRESS THE BOARD  
PLEASE SIGN IN BELOW**

**PLEASE PRINT**

**YOUR COMMENT WILL BE HEARD BUT NO ACTION WILL BE TAKEN AT THIS TIME**

MEETING DATE: Tuesday, December 15, 2015

**BY SIGNING BELOW ANY ONE WISHING TO PARTICIPATE WILL AGREE TO THE FOLLOWING:**

- 1. BOARD WILL RECOGNIZE EACH SPEAKER AS LISTED ON SIGN-IN SHEET.**
- 2. SPEAKERS WILL LIMIT THEIR REMARKS TO 3 MINUTES PER PERSON.**
- 3. NO PERSONAL REMARKS OR ATTACKS ARE TO BE MADE.**
- 4. ONLY ONE PERSON WILL BE ALLOWED TO SPEAK AT A TIME. NO INTERRUPTIONS ALLOWED.**

	NAME (PLEASE PRINT)	PHYSICAL ADDRESS	ISSUE TO BE ADDRESSED
1	NONE		
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

EL PASO COUNTY W.C.I.D. #4

PUBLIC HEARING

**VISITORS PLEASE SIGN IN**  
**PLEASE PRINT**

MEETING DATE: Tuesday, December 15, 2015

	NAME:	ADDRESS:	COMPANY NAME (IF APPLICABLE)
1	<i>Thomas Teasley</i>	<i>2964 Dyer Cir El Paso 79930</i>	<i>Rasberry &amp; Assoc.</i>
2			
3			
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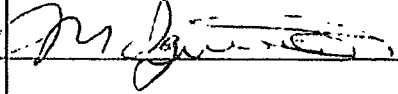
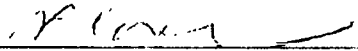

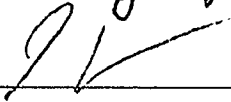
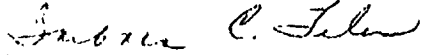


# EL PASO COUNTY W.C.I.D. #4

## Public Hearing Meeting

### SIGN IN SHEET

MEETING DATE: Tuesday, December 15, 2015

BOARD MEMBERS		
NAME (PLEASE PRINT)		SIGNATURE
Mario Aguirre	EPCWCID #4 Board President	
Magda C. Flores	EPCWCID #4 Vice-President	
Morgan Laird	EPCWCID #4 Secretary	
Jose Ramirez	EPCWCID Board Member	
Barbara C. Telas	EPCWCID Board Member	



and locker-room walls like I do. I'm betting you have enough space up there for another guy's take on the subject of winning: John Wooden.

it took a guy like John Wooden. As a child his father gave him seven rules to live by that he would later distill down into three main rules that his players

respecting the program, the coach (him) and each other. Whereas Lombardi makes the case that winning is always better and it is something that

even more expansive set of "suggestions" that incorporated both his father's and his own set of rules. Following these rules, he promised, might lead to success if put to use. He was wrong: They led to unprecedented success.

Wooden's do list:

- Be a gentleman at all times.
- Be a team player always.
- Be on time whenever time is involved.
- Be a good student in all subjects – not just basketball.
- Be enthusiastic, industrious,

aggressiveness.

- Work constantly to improve without becoming satisfied.

- Acquire peace of mind by becoming the best that you are capable of becoming.

Wooden's don't list:

- Never criticize, nag or razz a teammate.
- Never miss or be late for any class or appointment.
- Never be selfish, jealous, envious or egotistical.
- Never expect favors.

See SPORTS, Page 8



# HOOOPS FOR THE HOLIDAYS



**WBB VS UTPB**

DECEMBER 14 / 7:05 PM / \$3 ADMISSION



**MBB VS NM STATE**

DECEMBER 19 / 7 PM



**MBB VS NORFOLK ST**

DECEMBER 21 / 7 PM

**MBB VS SAM HOUSTON STATE/UC IRVINE**

DECEMBER 22 / TBA

**WBB VS EASTERN NEW MEXICO**

DECEMBER 28 / 7:05 PM - FREE GAME

**MBB VS UT RIO GRANDE VALLEY**

DECEMBER 29 / 7:05 PM

**TICKETS: 747-5234**

## PUBLIC NOTICE

### El Paso County Water Control & Improvement District No. 4

El Paso County Water Control & Improvement District No. 4 will hold a public hearing on Tuesday, December 15, 2015 at 5:30 p.m. at the El Paso County Water Control and Improvement District No. 4 Office, 117 E. Main St., Fabens, Texas, 79838 to receive input from the citizens on the water and wastewater rate study presented by Willdan Financial Services. All interested ratepayers are encouraged to attend.

Citizens unable to attend may submit their views and proposals to the El Paso County Water Control & Improvement District No. 4, P.O. Box 3880, Fabens, Texas 79838-3880. Individuals with disabilities or that require auxiliary aids and wish to attend this meeting should contact the District Office at least 2 days before the meeting at (915) 764-2212 to arrange for assistance.

WTCC: 12-10-15





## EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880  
(915) 764-2212



117 E. MAIN ST.  
FAX (915) 764-4840



FABENS, TX 79838-3880

### NOTICE

#### BOARD OF DIRECTORS SPECIAL MEETING TUESDAY, DECEMBER 15, 2015 at 6:00 P.M. BOARD ROOM @ 117 EAST MAIN ST., FABENS, TEXAS

The El Paso County W.C.I.D. #4 will convene as posted to consider and/or take action on the following agenda items: (Items do not have to be taken in the same order as shown on this meeting notice.)

### AGENDA

1. Call meeting to order.
2. Roll Call and Determination of Quorum.
3. Pledge of Allegiance.
4. Take up, consider and take action on meeting agenda.
5. Audience comments: 3 minute limit on speaking time per person.
6. Take up, consider and take action on meeting minutes for November 17, 2015 Special Meeting.
7. Take up, consider and take action on invoices paid from November 1 – 30, 2015 of in the amount \$141,200.93.
8. Presentation of Nano Filtration System by Horacio Juarez CDM Smith.
9. Take up, consider and take action on adoption of the Willdan Financial Services 2016-2020 Water and Wastewater Rate Plan.
10. Take up, consider and take action on 2016 Budget.
11. CDM Smith Update.
12. General Counsel Update.
13. General Manager Report.
14. Executive Session.  
Meeting to be closed under the following Texas Government Code of the Open Meetings Act for discussion as follows:
  - A. Attorney Consultation Code 551.071
  - B. Real Property Code 551.072
  - C. Personnel Matters Code 551.074Any final action as a result of this closed discussion will be held at the opening of the meeting or at any subsequent meeting.
15. Return to open session for possible discussion and action on executive session item(s).
16. Board member availability for the January 26, 2016 Regular Meeting.
17. Adjourn.

I, the undersigned authority, hereby certify that the above Notice of Meeting of the Board of Directors of the El Paso County Water Control & Improvement District No. 4 is a correct copy of the Notice and that I posted the Notice at the Fabens Post Office and at the District Office Bulletin Board located at 117 E. Main Street, Fabens, Texas 79838, and provided a notice to the El Paso County Clerk for posting in accordance with the Texas Open Meetings Act as required by law.

In this Notice of Open Meeting, the posting of an agenda item as a matter to be discussed in open session is not intended to limit or require discussion of that matter in open session if it is otherwise appropriate to discuss the matter in executive session. If during the discussion of any agenda item, a matter is raised that is appropriate for discussion in executive session the Board may, as permitted by law, adjourn into executive session to deliberate on the matter.

The posting of an agenda item as a matter of law to be discussed in executive session is not intended to limit or require discussion of that matter in executive session. The Board may discuss in open session any matter for which notice has been given in this Notice of Open Meeting, including an agenda item posted for executive session. In no event; however, will the board take action on any agenda item in executive session.

Mike L. Terrazas, Jr.  
El Paso County Water Control & Improvement District #4  
General Manager



**EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4**  
P.O. BOX 3880 117 E. MAIN ST. FABENS, TX 79838-3880  
(915) 764-2212 FAX (915) 764-4840

**SPECIAL MEETING MINUTES**

**Tuesday, December 15, 2015**

**1. Call Meeting to Order.**

President Mario Aguirre called meeting to order at 6:00p.m.

**2. Roll Call & Determination of Quorum.**

Quorum existed. Meeting proceeded.

		<u>Present</u>	<u>Absent</u>	<u>Comments</u>
Mr. Mario Aguirre	President	X		
Ms. Magda C. Flores	Vice President	X		
Mr. Morgan Laird	Secretary	X		
Mr. Jose Ramirez	Member	X		
Ms. Barbara C. Telas	Member	X		

**District Staff:**

Mr. Mike L. Terrazas, Jr	General Manager
Mr. Martin Madrid	Field Manager
Ms. Lala Garcia	Office Manager
Ms. Patricia Cruz	Administrative Assistant

**Consultants:**

Mr. Horacio Juarez	Consulting Engineer
--------------------	---------------------

**Visitors:**

None

**3. Pledge of Allegiance.**

**4. Take up, consider and take action on meeting agenda.**

**Discussion:** No discussion.

**Motion made by Ms. Flores to approve meeting agenda.**

**Seconded by Mr. Ramirez.**

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Mr. M. Aguirre	X			
Ms. M. Flores	X			
Mr. M. Laird	X			
Mr. J. Ramirez	X			
Ms. B. Telas	X			

**Motion:** Passed

**5. Audience comments: 3-minute limit on speaking time per person.**

No audience comments.

**6. Take up, consider and take action on meeting minutes for November 17, 2015 Special Meeting.**

**Discussion:** No discussion.

**Motion made by Ms. Telas to approve meeting minutes for November 17, 2015 Special Meeting.**

**Seconded by Ms. Flores.**



## EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880  
(915) 764-2212



117 E. MAIN ST.  
FAX (915) 764-4840



FABENS, TX 79838-3880

Special Meeting  
December 15, 2015

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Mr. M. Aguirre	X			
Ms. M. Flores	X			
Mr. M. Laird	X			
Mr. J. Ramirez	X			
Ms. B. Telas.	X			

Motion: Passed.

7. Take up, consider and take action on invoices paid from November 1 - 30, 2015 in the amount of \$141,200.93.

**Discussion:** The accounts payable invoices were reviewed and justified to the Board Members' satisfaction.

**Motion made by Ms. Flores to approve the invoices paid from November 1 - 30, 2015 in the amount of \$141,200.93.**

**Seconded by Ms. Telas.**

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Mr. M. Aguirre	X			
Ms. M. Flores	X			
Mr. M. Laird	X			
Mr. J. Ramirez	X			
Ms. B. Telas.	X			

Motion: Passed.

8. Presentation of Nano Filtration System by Horacio Juarez CDM Smith.

**Discussion:** Mr. Horacio Juarez, District Engineer introduced Mr. Robert Fouly, Sr. Project Engineer from Albuquerque. Mr. Fouly gave a presentation on the Nano Filtration System. He provided a walk through on the systems treatment process, architectural section, and a view of what the design is going to look like. The progress of the design will be at 30% by the end of January 2016 and the Final Design should be completed by April 2016. Mr. Juarez stated the District must have a full-time RPR when both projects are under construction per USDA-RD requirements and approval.

**No action required for this item.**

9. Take up, consider and take action on adoption of the Willdan Financial Services 2016-2020 Water and Wastewater Rate Plan.

**Discussion:** The Board discussed the District Rate Study conducted by Mr. Dan Jackson from Willdan Financial Services and agreed to approve a 5 year plan that is to be reviewed on a yearly basis.

**Motion made by Ms. Flores to adopt the Willdan Financial Services 2016-2020 Water and Wastewater Rate Plan.**

**Seconded by Mr. Ramirez.**

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Mr. M. Aguirre	X			
Ms. M. Flores	X			
Mr. M. Laird	X			
Mr. J. Ramirez	X			
Ms. B. Telas	X			

Motion: Passed





## EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880  
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117 E. MAIN ST.  
FAX (915) 764-4840

FABENS, TX 79838-3880

Special Meeting  
December 15, 2015

**10. Take up, consider and take action on 2016 Budget.**

**Discussion:** Mr. Terrazas presented the Board with the 2016 Budget. The approach and method used was explained for the projection, including a comparison to the 2015 Budget.

**Motion made by Mr. Ramirez to approve the 2016 Budget.**

**Seconded by Ms. Flores.**

**Vote:**

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Mr. M. Aguirre	X			
Ms. M. Flores	X			
Mr. M. Laird	X			
Mr. J. Ramirez	X			
Ms. B. Tetas	X			

**Motion: Passed**

**11. CDM Smith Update.**

**Discussion:** No discussion.

**No action required for this item.**

**12. General Counsel Update.**

**Discussion:** No discussion.

**No action required for this item.**

**13. General Manager Update.**

**Discussion:**

- The account collection rate for October 2015 was 98% with 29 cut-offs and 3 remain unpaid.
- Arspec installed a sign on front of the building with El Paso County WCID #4.
- On December 10, 2015 Mr. Ortiz and Mr. Apodaca attended The Pump Seminar in El Paso.
- The Tax Collection Services Contract will expire on December 2015. The City of El Paso will extend the current contract on a month to month basis to allow time for the procurement process and for a transition to a new vendor if required.
- The District will be taking the last meter reading for the Cuadrilla customers on Monday, December 21, 2015 and will not have further responsibility for Cuadrilla.
- Mr. Terrazas received a called from Kayla Elsworth from the Texas Legislative Counsel. She wants to have the District codified.
- The District received two deficiencies on the TCEQ Inspection; one was the fence at the 10<sup>th</sup> Street Well and the second was the fence at the Camp St. Well. The option selected was to install an 8 ft. fence, which would not require the barb wire and razor ribbon.
- The District office will be closed Thursday, December 24, 2015 and Friday, December 25, 2015 for Christmas and Thursday, December 31, 2015 and January 01, 2016 for New Years.

Mr. Madrid presented his Monthly Field Reports and all questions pertaining to the field operations were answered to the Boards satisfaction.

**No action required for this item.**

**14. Executive Session.**

**No matters requiring Executive Session.**

**15. Return to open session at : p.m. for possible discussion and action on Executive Session item(s).**

**Non applicable.**



# EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880  
(915) 764-2212



117 E. MAIN ST.  
FAX (915) 764-4840



FABENS, TX 79838-3880

Special Meeting  
December 15, 2015

**16. Board Member availability for the January 26, 2016 Regular Meeting.**

**Discussion:** All Board Members' will be available for the January 26, 2016 Regular Meeting.  
**No action required for this item.**

**17. Motion to adjourn.**

**Discussion:** No discussion.

**Motion made by Mr. Ramirez to adjourn.**


**Seconded by Ms. Flores.**

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Mr. M. Aguirre	<u>X</u>			
Ms. M. Flores	<u>X</u>			
Mr. M. Laird	<u>X</u>			
Mr. J. Ramirez	<u>X</u>			
Ms. B. Tetas	<u>X</u>			

**Motion: Passed**

**Meeting Adjourned at 7:45 p.m.**

  
Signature

  
Date Approved

**EL PASO COUNTY W.C.I.D. #4  
SPECIAL BOARD MEETING**

**IF YOU WISH TO ADDRESS THE BOARD  
PLEASE SIGN IN BELOW  
PLEASE PRINT**

**YOUR COMMENT WILL BE HEARD BUT NO ACTION WILL BE TAKEN AT THIS TIME**

**MEETING DATE : Tuesday, December 15, 2015**

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- 3. NO PERSONAL REMARKS OR ATTACKS ARE TO BE MADE.**
- 4. ONLY ONE PERSON WILL BE ALLOWED TO SPEAK AT A TIME. NO INTERRUPTIONS ALLOWED.**

	<b>NAME: (PRINT)</b>	<b>PHYSICAL ADDRESS</b>	<b>ISSUE TO BE ADDRESSSED</b>
1	NONE		
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EL PASO COUNTY W.C.I.D. #4

SPECIAL MEETING

**VISITORS PLEASE SIGN IN**  
**PLEASE PRINT**

MEETING DATE: Tuesday, December 15, 2015

	NAME:	ADDRESS:	COMPANY NAME (IF APPLICABLE)
1	NONE	E	
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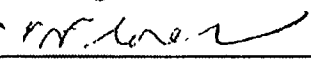
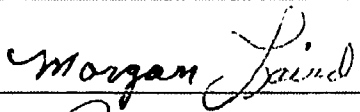
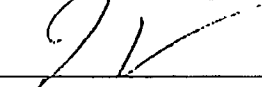
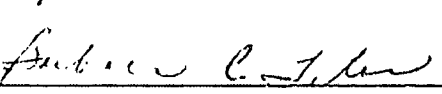


# EL PASO COUNTY W.C.I.D. #4

## Special Board Meeting

### SIGN IN SHEET

MEETING DATE: Tuesday, December 15, 2015

BOARD MEMBERS		
NAME (PLEASE PRINT)		SIGNATURE
Mario Aguirre	EPCWCID #4 Board President	
Magda C. Flores	EPCWCID #4 Vice-President	
Morgan Laird	EPCWCID #4 Secretary	
Jose Ramirez	EPCWCID Board Member	
Barbara C. Telas	EPCWCID Board Member	

## Page 761 of 1018

**SCEN: 2015 11 17 – Alternative 1**

**All Customers**

PET00713  
DIST000132

**EL PASO COUNTY WCID NO. 4**  
**WATER/SEWER COST OF SERVICE MODEL**

**Rate Plan Summary****SCEN: 2015 11 17 -- Alternative 1****Outside District****Outside Residential**

Monthly Minimum Charge	32.06	33.67	35.35	37.12	38.97	40.92	42.56	44.26	46.03	46.95	47.90
Volume Charge											
3,001 15,000	3.22	3.38	3.55	3.73	3.92	4.11	4.27	4.45	4.62	4.71	4.80
15,001 34,000	5.56	5.85	6.14	6.46	6.77	7.11	7.39	7.68	8.00	8.16	8.31
34,001 1,000,000	6.80	7.12	7.47	7.84	8.23	8.65	9.00	9.36	9.73	9.92	10.12
1,000,001 Above	8.86	9.29	9.77	10.26	10.76	11.31	11.76	12.23	12.72	12.99	13.25

**Outside Comm Small**

Monthly Minimum Charge	48.42	50.84	53.38	56.05	58.85	61.79	64.26	66.83	69.51	70.89	72.31
Volume Charge											
3,001 15,000	3.95	4.15	4.36	4.57	4.80	5.04	5.25	5.46	5.67	5.78	5.90
15,001 34,000	6.80	7.12	7.47	7.84	8.23	8.65	9.00	9.36	9.73	9.92	10.12
34,001 1,000,000	8.33	8.75	9.19	9.64	10.13	10.64	11.06	11.50	11.95	12.20	12.44
1,000,001 Above	10.85	11.39	11.97	12.57	13.20	13.86	14.42	15.00	15.59	15.91	16.22

**Outside Comm Large**

Monthly Minimum Charge	150.63	158.15	166.06	174.35	183.07	192.22	199.90	207.90	216.21	220.54	224.95
Volume Charge											
3,001 15,000	3.78	3.97	4.17	4.38	4.60	4.83	5.02	5.22	5.43	5.53	5.64
15,001 34,000	6.49	6.83	7.18	7.54	7.93	8.33	8.66	9.01	9.38	9.57	9.77
34,001 1,000,000	7.95	8.35	8.77	9.21	9.66	10.15	10.55	10.97	11.41	11.64	11.87
1,000,001 Above	10.34	10.87	11.41	11.99	12.58	13.21	13.74	14.28	14.86	15.16	15.45

**Industrial****Outside Non-Potable**

Monthly Minimum Charge	-	-	-	-	-	-	-	-	-	-	-
Volume Charge											
- 15,000	3.51	3.69	3.87	4.06	4.26	4.47	4.65	4.84	5.03	5.13	5.23
15,001 34,000	3.51	3.69	3.87	4.06	4.26	4.47	4.65	4.84	5.03	5.13	5.23
34,001 1,000,000	3.51	3.69	3.87	4.06	4.26	4.47	4.65	4.84	5.03	5.13	5.23
1,000,001 Above	3.51	3.69	3.87	4.06	4.26	4.47	4.65	4.84	5.03	5.13	5.23

**EL PASO COUNTY WCID NO. 4  
WATER/SEWER COST OF SERVICE MODEL**

**Rate Plan Summary****SCEN: 2015 11 17 - Alternative 1**

<b>Inside Sewer Small</b>											
Total Accounts											
Monthly Charge	29.20	29.20	29.20	30.08	30.98	31.91	32.87	33.86	34.88	35.88	36.29
Volume Charge											
3,001 Above	2.01	2.01	2.01	2.07	2.13	2.19	2.26	2.33	2.40	2.45	2.50
<b>Inside Sewer Large</b>											
Total Accounts											
Monthly Charge	56.99	56.99	56.99	58.70	60.46	62.27	64.14	66.06	68.04	69.40	70.79
Volume Charge											
3,001 Above	2.87	2.87	2.87	2.96	3.05	3.14	3.23	3.33	3.43	3.50	3.57
<b>Inside Storm Large</b>											
Total Accounts											
Monthly Charge	402.26	402.26	402.26	414.33	426.76	439.56	452.75	466.33	480.32	489.93	499.73
Volume Charge											
3,001 Above	2.95	2.95	2.95	3.04	3.13	3.22	3.32	3.42	3.52	3.59	3.66
<b>Outside Residential</b>											
Total Accounts											
Monthly Charge	51.09	51.10	51.10	52.64	54.22	55.84	57.52	59.26	61.04	62.27	63.51
Volume Charge											
3,001 Above	3.52	3.52	3.52	3.62	3.73	3.83	3.96	4.08	4.20	4.29	4.38
<b>Outside Storm Small</b>											
Total Accounts											
Monthly Charge	99.74	99.73	99.73	102.73	105.81	108.97	112.25	115.61	119.07	121.45	123.86
Volume Charge											
3,001 Above	5.03	5.02	5.02	5.18	5.34	5.50	5.65	5.83	6.00	6.13	6.25
<b>Outside Storm Large</b>											
Total Accounts											
Monthly Charge	703.96	703.96	703.96	725.08	746.83	769.23	792.31	816.08	840.56	857.38	874.53
Volume Charge											
3,001 Above	5.16	5.16	5.16	5.32	5.48	5.64	5.81	5.99	6.16	6.28	6.41
<b>Outside Residential</b>											
Total Accounts											
Monthly Charge	-	-	-	-	-	-	-	-	-	-	-
Volume Charge											
3,001 Above	-	-	-	-	-	-	-	-	-	-	-



Control Number: 49367



Item Number: 1

Addendum StartPage: 0

4-367

**LAW OFFICE OF  
TEXAS RIOGRANDE LEGAL AID, INC.**

El Paso  
1331 Texas Ave.  
El Paso, TX 79901  
Telephone (915) 585-5100 Toll Free (800) 369-2792  
Fax (915) 544-3789

RECEIVED  
2019 MAR 22 AM 9:56  
PUBLIC UTILITY COMMISSION  
FILING CLERK

March 18, 2019

Public Utility Commission of Texas  
Central Records  
1701 N. Congress Ave.  
P.O. Box 13326  
Austin, TX 78711

Attn: Filing Clerk

RE: Petition to Appeal the Rate Change by El Paso County WCID No. 4 for Out-of-District ratepayers

Attached is a petition signed by 81 out-of-district ratepayers for the El Paso County WCID No. 4 [WCID], more than 10% of the total 219 out-of-district residential ratepayers. The WCID's new rates went into effect on January 1, 2019. We have attached the original and seven copies of the petition for your consideration. The petitioners contest the 5% rate increase and the 74.9% rate difference charged to out-of-district ratepayers.

The WCID implemented a 5% increase in both water and sewer rates beginning January 1, 2019. Notice of this increase is attached as Attachment A. The WCID has not provided any reason for the increase in rates. It has not performed or released any study that indicates the necessity of this rate increase. The last "rate study" was conducted in 2015 by economists.com and forecasted yearly 3-5% cost increases without providing factual basis for the projection. After that study the WCID implemented a 5% yearly rate increase resulting in an overall out-of-district minimum monthly rate increase from \$32.05 in 2015 to \$38.97 in 2019.

**Table 1: 2018-2019 Out-of-District Rate Increase**

	2018 Rate	2019 Rate
	<b>Water</b>	
Min. Monthly Rate	\$37.12	\$38.97
	<b>Sewer</b>	
Min. Monthly Rate	\$52.64	\$54.22

Prior to implementing the 2019 rate increase, the WCID conducted no evaluation as to whether costs were rising as projected and that this increase was necessary to cover those costs. The rate increase is entirely based on a revenue needs forecast from the 2015 study. The petitioners

request the PUC to review the new rates established by the WCID to determine whether they are just and reasonable.

The petitioners also contest the 74.9% rate differential base rate between in-district and out-of-district customers, as well as the differential rates charged for differing levels of usage. The usage rates continue to increase in differential and are double for “extreme usage”. The WCID has provided no factual basis for the significant differences paid by in-district and out-of-district rate payers. The neighborhoods charged out-of-district rates are contiguous to the WCID’s original boundaries (see map in Attachment B), and no new water or sewer lines were constructed to serve the subdivision. The internal infrastructure that serves that neighborhood was built and paid for by the sub-divider – and eventually the residents. The 2015 rate study contained no factual information to indicate a cost difference to the WCID in serving out-of-district and in-district customers. The 74.9% difference in rates charged out-of-district and in-district customers is not just or reasonable, and as set by the WCID are arbitrary and capricious. They seek the Commission’s review of these unsupported and unjust rates.

**Table 2: 2019 Rates for In-District and Out-of-District Customers**

<b>Usage Rate</b>	<b>In-District</b>	<b>Out-of-District</b>
	<b>Water</b>	
Min. Monthly Rate	\$22.27	\$38.97
Base Usage Rate	\$2.24	\$3.92
Peak Usage Rate	\$3.18	\$6.77
Excess Usage Rate	\$3.88	\$8.23
Extreme Usage Rate	\$5.06	\$10.76
	<b>Sewer</b>	
Min. Monthly Rate	\$30.98	\$54.22
Additional Usage Rate	\$2.13	\$3.73

The mailing address of the El Paso Water Control and Improvement District #4 is P.O. Box 3880 Fabens, TX 79838-3880. Their phone number is (915) 764-2212.

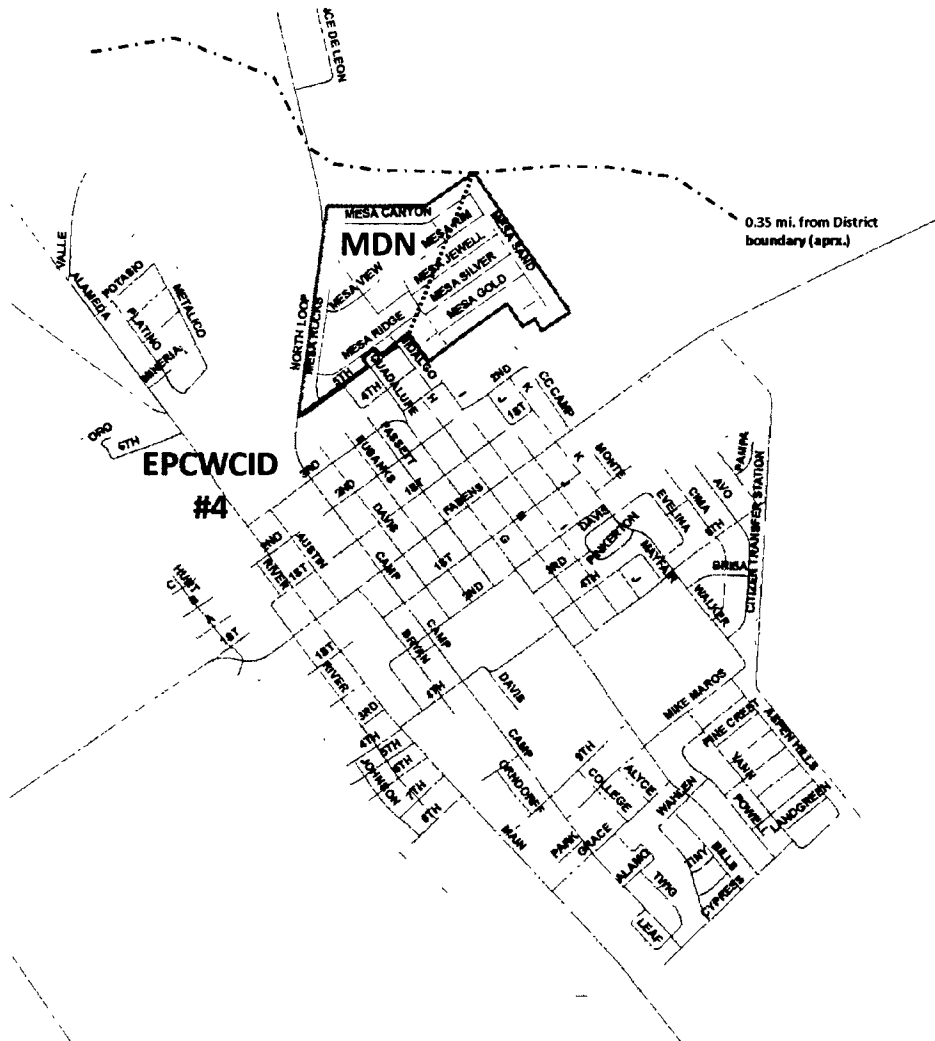
Texas RioGrande Legal Aid will act as the out-of-district ratepayers’ representative. Correspondence may be made to:

Christopher Benoit  
1331 Texas Ave.  
El Paso, TX 79901  
cbenoit@trla.org  
(915) 585-5118

Amy Johnson  
amy@savagejohnson.com  
(503) 939-2996

# **EXHIBIT A**





# **EXHIBIT B**

**El Paso County WCID #4**  
**Water and Wastewater Rate Schedule**  
**Rates effective: January 01, 2019**

Customer Classification			WATER RATES	
		Usage Block (Gals)	In District	Out of District
<b>Residential</b>				
incl. 3,000 gals	Min Monthly Charge	0-3,000	\$ 22.27	\$ 38.97
per 1,000 gals	Base Usage Rate	3,001-15,000	\$ 2.24	\$ 3.92
per 1,000 gals	Peak Usage Rate	15,001-34,000	\$ 3.18	\$ 6.77
per 1,000 gals	Excess Usage Rate	34,001-1,000,000	\$ 3.88	\$ 8.23
per 1,000 gals	Extreme Usage	Over 1,000,000	\$ 5.06	\$ 10.76
<b>Residential/Commercial</b>				
incl. 3,000 gals	Min Monthly Charge	0-3,000	\$ 33.83	\$ 58.85
per 1,000 gals	Base Usage Rate	3,001-15,000	\$ 2.74	\$ 4.80
per 1,000 gals	Peak Usage Rate	15,001-34,000	\$ 4.70	\$ 8.23
per 1,000 gals	Excess Usage Rate	34,001-1,000,000	\$ 5.79	\$ 10.13
per 1,000 gals	Extreme Usage	Over 1,000,000	\$ 7.64	\$ 13.20
<b>Larger User</b>				
incl. 3,000 gals	Min Monthly Charge	0-3,000	\$ 104.61	\$ 183.07
per 1,000 gals	Base Usage Rate	3,001-15,000	\$ 2.63	\$ 4.60
per 1,000 gals	Peak Usage Rate	15,001-34,000	\$ 4.53	\$ 7.93
per 1,000 gals	Excess Usage Rate	34,001-1,000,000	\$ 5.52	\$ 9.66
per 1,000 gals	Extreme Usage	Over 1,000,000	\$ 7.19	\$ 12.58
<b>Non-Potable</b>				
per 1,000 gals	Water Rate	any quantity	N/A	\$ 4.26

Customer Classification			SEWER RATES	
		Usage Block (Gals)	In District	Out of District
<b>Residential</b>				
incl. 3,000 gals.	Min. Monthly Charge	0-3,000	\$ 30.98	\$ 54.22
per 1,000 gals	Additional Usage Rate	over 3,000	\$ 2.13	\$ 3.73
<b>Residential/Commercial</b>				
incl. 3,000 gals.	Min. Monthly Charge	0-3,000	\$ 60.48	\$ 105.81
per 1,000 gals	Additional Usage Rate	over 3,000	\$ 3.05	\$ 5.34
<b>Larger User</b>				
incl. 3,000 gals.	Min. Monthly Charge	0-3,000	\$ 426.76	\$ 748.83
per 1,000 gals	Additional Usage Rate	over 3,000	\$ 3.13	\$ 5.48

MINIMUM BILL		In-District Residential		Out of District Residential	
0-3000 gallons		Old Rate	New Rate	Old Rate	New Rate
WATER		\$21.21	\$22.27	\$37.12	\$38.97
SEWER		\$30.08	\$30.98	\$52.64	\$54.22
CC		\$2.50	\$2.50	\$2.50	\$2.50
TWC		\$0.26	\$0.27	\$0.45	\$0.47
		<b>\$54.05</b>	<b>\$56.02</b>	<b>\$92.71</b>	<b>\$96.16</b>

EL PASO COUNTY WCID #4 is an equal opportunity provider and employer.

**LAW OFFICE OF  
TEXAS RIOGRANDE LEGAL AID, INC.**

El Paso  
1331 Texas Ave.  
El Paso, TX 79901  
Telephone (915) 585-5100 Toll Free (800) 369-2792  
Fax (915) 544-3789

March 18, 2019

Public Utility Commission of Texas  
Central Records  
1701 N. Congress Ave.  
P.O. Box 13326  
Austin, TX 78711

Attn: Filing Clerk

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**Table 1: 2018-2019 Out-of-District Rate Increase**

	<b>2018 Rate</b>	<b>2019 Rate</b>
	<b>Water</b>	
Min. Monthly Rate	\$37.12	\$38.97
	<b>Sewer</b>	
Min. Monthly Rate	\$52.64	\$54.22

Prior to implementing the 2019 rate increase, the WCID conducted no evaluation as to whether costs were rising as projected and that this increase was necessary to cover those costs. The rate increase is entirely based on a revenue needs forecast from the 2015 study. The petitioners

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**Table 2: 2019 Rates for In-District and Out-of-District Customers**

<b>Usage Rate</b>	<b>In-District</b>	<b>Out-of-District</b>
	<b>Water</b>	
Min. Monthly Rate	\$22.27	\$38.97
Base Usage Rate	\$2.24	\$3.92
Peak Usage Rate	\$3.18	\$6.77
Excess Usage Rate	\$3.88	\$8.23
Extreme Usage Rate	\$5.06	\$10.76
	<b>Sewer</b>	
Min. Monthly Rate	\$30.98	\$54.22
Additional Usage Rate	\$2.13	\$3.73

The mailing address of the El Paso Water Control and Improvement District #4 is P.O. Box 3880 Fabens, TX 79838-3880. Their phone number is (915) 764-2212.

Texas RioGrande Legal Aid will act as the out-of-district ratepayers’ representative. Correspondence may be made to:

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El Paso, TX 79901  
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(915) 585-5118

Amy Johnson  
amy@savagejohnson.com  
(503) 939-2996

# EXHIBIT A



# **EXHIBIT B**



**El Paso County WCID #4**  
**Water and Wastewater Rate Schedule**  
**Rates effective: January 01, 2019**

Customer Classification			WATER RATES	
		Usage Block (Gals)	In District	Out of District
<b>Residential</b>				
incl. 3,000 gals	Min Monthly Charge	0-3,000	\$ 22.27	38.97
per 1,000 gals	Base Usage Rate	3,001-15,000	\$ 2.24	3.92
per 1,000 gals	Peak Usage Rate	15,001-34,000	\$ 3.18	6.77
per 1,000 gals	Excess Usage Rate	34,001-1,000,000	\$ 3.88	8.23
per 1,000 gals	Extreme Usage	Over 1,000,000	\$ 5.06	10.76
<b>Residential/Commercial</b>				
incl. 3,000 gals	Min Monthly Charge	0-3,000	\$ 33.63	58.85
per 1,000 gals	Base Usage Rate	3,001-15,000	\$ 2.74	4.80
per 1,000 gals	Peak Usage Rate	15,001-34,000	\$ 4.70	8.23
per 1,000 gals	Excess Usage Rate	34,001-1,000,000	\$ 5.79	10.13
per 1,000 gals	Extreme Usage	Over 1,000,000	\$ 7.54	13.20
<b>Larger User</b>				
incl. 3,000 gals	Min Monthly Charge	0-3,000	\$ 104.61	183.07
per 1,000 gals	Base Usage Rate	3,001-15,000	\$ 2.63	4.60
per 1,000 gals	Peak Usage Rate	15,001-34,000	\$ 4.53	7.93
per 1,000 gals	Excess Usage Rate	34,001-1,000,000	\$ 5.52	9.66
per 1,000 gals	Extreme Usage	Over 1,000,000	\$ 7.19	12.58
<b>Non-Potable</b>				
per 1,000 gals	Water Rate	any quantity	N/A	4.26

Customer Classification			SEWER RATES	
		Usage Block (Gals)	In District	Out of District
<b>Residential</b>				
incl. 3,000 gals.	Min. Monthly Charge	0-3,000	\$ 30.98	54.22
per 1,000 gals	Additional Usage Rate	over 3,000	\$ 2.13	3.73
<b>Residential/Commercial</b>				
incl. 3,000 gals.	Min. Monthly Charge	0-3,000	\$ 60.46	105.81
per 1,000 gals	Additional Usage Rate	over 3,000	\$ 3.05	5.34
<b>Larger User</b>				
incl. 3,000 gals.	Min. Monthly Charge	0-3,000	\$ 426.76	746.83
per 1,000 gals	Additional Usage Rate	over 3,000	\$ 3.13	5.48

MINIMUM BILL	In-District Residential		Out of District Residential	
	Old Rate	New Rate	Old Rate	New Rate
0-3000 gallons				
WATER	\$21.21	\$22.27	\$37.12	\$38.97
SEWER	\$30.08	\$30.98	\$52.64	\$54.22
CC	\$2.50	\$2.50	\$2.50	\$2.50
TWC	\$0.26	\$0.27	\$0.45	\$0.47
	<b>\$54.05</b>	<b>\$56.02</b>	<b>\$92.71</b>	<b>\$96.16</b>

EL PASO COUNTY WCID #4 is an equal opportunity provider and employer.

Petition to Appeal Rates Established by the Board of Directors  
El Paso County Water Control & Improvement District No. 4  
 117 E. Main St. / P.O. Box 3880  
 Fabens, Texas 79838 - (915) 764-2212

We, the undersigned out-of-district ratepayers of El Paso Water Control & Improvement District No. 4, hereby appeal the decision of the WCID No. 4 Board of Directors raising out-of-district rates charged to us. The 5% rate increase was effective January 1, 2019, and affected the rates charged for water utility service, sewer utility service, and a "TWC fee." We also challenge the 74.9% rate differential for out-of-district rates charged by District No. 4.

Nearly all of the residential out-of-district ratepayers reside in the Mesa del Norte subdivision. The El Paso Water Control & Improvement District No. 4 is charging unreasonably high out-of-district rates that do not reflect the actual cost of providing service out-of-district. These exorbitant rates are unsupported, unreasonable, and unfair to residents of Mesa del Norte.

The undersigned designate the Consumidores de Agua de Mesa del Norte/Mesa del Norte Water Consumers association as their representative in this matter. Correspondence to the ratepayers' representative may be directed to its legal counsel, Texas RioGrande Legal Aid, ATTN: Alan Dicker, 1331 Texas Ave., El Paso, TX 79901. Phone: (915) 585-5146.

Nosotros, los usuarios de fuera del distrito de El Paso Water Control & Improvement District No. 4 suscritos a esta petición, por la presente apelamos la decisión de la Mesa de Directores de WCID No. 4 de aumentar las tarifas de fuera del distrito que nos cobra. El aumento de 5% se hizo efectivo el 1 de enero de 2019 y afectó las tarifas sobre la provisión de agua potable, alcantarillado, y una tarifa "TWC." También disputamos la diferencial de 74.9% en tarifas cobradas por WCID No. 4 a los usuarios de fuera del distrito.

Casi todos los usuarios residenciales de fuera del distrito residen en la subdivisión Mesa del Norte. El WCID No. 4 ha impuesto tarifas de fuera del distrito injustamente altas, las cuales no reflejan el costo real para proveer servicios fuera del distrito. Estas tarifas excesivas son irrazonables, sin respaldo, e injustas para los residentes de Mesa del Norte.

Los abajo firmantes designan a la asociación Consumidores de Agua de Mesa del Norte/Mesa del Norte Water Consumers como su representante en este asunto. Toda correspondencia al representante de los usuarios debe dirigirse a su consejero legal, Texas RioGrande Legal Aid, ATTN: Alan Dicker, 1331 Texas Ave., El Paso, TX 79901. Teléfono: (915) 585-5146.

Signature Firma	Printed Name Nombre en letra de molde	Date of Birth Fecha de nacimiento	Street Address Dirección física	City or Town of Residence Ciudad o pueblo de residencia	County of Residence Condado de residencia	Date Fecha
	Sylvia Perez	08-0-86	801 MESA RIM	TX	79838	2-26-19
	Sylvia Ramirez	5-21-65	819 MESA RIM	TX	79838	2-26-19
	Javier A. Hueraño	5-12-99	16116 mesa Jewell	Fabens	El Paso	2-26-19
	Agustin Cano	4/12/69	16152 mesa rocks	Fabens	79838	2/26/19
	Maria C. Reyes	7/4/66	16163 Mesa Rocks	Fabens	79838	2/26/19
	Misael Burro n	10/27/81	16148 MESA ROCKS	Fabens	74838	2/26/19
	MELISSA I RODRIGUEZ	10-01-88	16143 MESA ROCKS	FABENS	79838	2-26-19

Circulator Elsa Rivera

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Petition to Appeal Rates Established by the Board of Directors  
El Paso County Water Control & Improvement District No. 4  
 117 E. Main St. / P.O. Box 3880  
 Fabens, Texas 79838 - (915) 764-2212

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1	E. Rasmussen	ERASMUS RASMUSSEN	11.25.50	858 mesa 6012 DR	Fabens, TX.		2.26.19
2	Manuel Becerra	Manuel Becerra A	9/14/59	793 Mesa RIDGE	Fabens TX	el Paso	2/26/19
3	Consuelo Barrera	Consuelo Barrera	4/29/61	16112 mesa Newell	Fabens TX	el Paso	2/26/19
4	Lorena Chavez	Lorena Chavez	12/31/67	16159 Mesa Sand	Fabens	El Paso	2/26/19
5	Roselio Tarango	Roselio Tarango	12/25/85	16120 mesa Jewel	Fabens	EL PASO	2/26/19
6	Jesus Ramirez	Jesus Ramirez	8/28/46	16108 mesa Rock	Fabens	El Paso	2/26/19

Circulator Elsa Rivera

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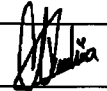
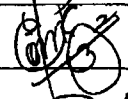
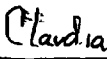
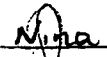
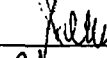
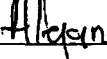
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1 	Claudia Gallegos	6/22/1993	818 Mesa Gold Dr.	Fabens	El Paso TX	2/26/2019
2 	Ayme Martinez	02/18/79	899 MESA GOLD DR	FABENS	EL PASO TX	2/26/19
3 	Claudia Salinas	2/24/75	801 mesa Gold Rd	Fabens	TX	2/26/19
4 	Nina Ramirez	05/24/90	812 mesa gold Rd	Fabens	TX	2/26/19
5 	Juan Esparza	02-27-83	775 mesa view	Fabens	TX	3-3-19
6 	Alejandra Molina	3/4/91	16132 Mesa Jewell	Fabens	TX	3-5-19

Circulator Elsa Rivera

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1 <i>Hermila Esparza</i>	HERMILA ESPARZA	04/14/39	789 MESA RIDGE DR	FABENS TX. 79838	EL PASO	02/26/2019
2 <i>Kimberly Perez</i>	Kimberly Perez	02/21/95	788 Mesa Ridge Dr	Fabens Tx 79838	El Paso	02/27/2019
3 <i>Angel Villegas</i>	Angel Villegas	12/15/97	785 Mesa Ridge Dr	Fabens TX 79838	El Paso	02/27/2019
4 <i>Miriam Magkleno</i>	Miriam Magkleno	7/29/85	777 Mesa Ridge Dr	Fabens TX 79838	El Paso	03/22/2019
5 <i>Juan Meza</i>	Juan meza	1/6/63	708 mesa ridge dr	Fabens tx 79838	El Paso	03/02/2019
6 <i>Ramona Navarro</i>	Ramona Navarro	2/25/66	781 mesa Ridge Dr	FABENS TX 79838	El Paso	03/03/19

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1	Maria J. Meza	Maria J. Meza	11-26-1945	842 Mesa Silver	Fabens	TX.	2-26-19
2	Mario Meza	MARIO MEZA	06-25-48	749 mesa canyon dr.	Fabens	79838	2-26-19
3	Araceli Gomez	Araceli Gomez	06-20-63	801 Mesa Silver Dr	Fabens	79838	2-26-19
4	Maria M. Rodriguez	MARIA M. RODRIGUEZ	08-21-66	898 mesa Jewell st	Fabens	79838	2-26-19
5	Elsa Rivera	Elsa Rivera	12-25-72	899 mesa silver	Fabens	79838 TX	2-26-19
6	Abigail Meza	Abigail Meza	11-06-97	782 mesa Jewell st	Fabens	79838	3-6-19

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1	Luis R Hernandez	08-25-55	870 Mesa Island C.T.	Fabens Tx	El Paso	3/2/19
2	Andy Galvan	11-3-80	896 mesa island ct	Fabens T.x	EL PASO	3/2/19
3	Juan Alvares	7-30-72	886 Mesa Island	Fabens TX	El Paso	3-2-19
4	Cruz Sigala	5/3/75	878 Mesa Island Ct.	Fabens TX	El Paso	3/2/19
5	ROGER RIVERA	7-23-85	882 MESA ISLAND CT	FABENS TX	EL PASO	3-2-19
6	ARCELIA JURADO	10-16-50	892 MESA ISLAND	FABENS TX	EL PASO	3-2-19

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ALBERTO MEDINA 4-20-57 161 89 MEASAND FABENS TX EL PASO 3-2-19  
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1		Maura Carrera	8/16/57	16131 Mesa Rocks	Fabens	Paso TX	8/4/19
2		Isidoro Martinez	04/04/64	16116 Mesa Rocks	Fabens	Paso TX	3/4/19
3		Jesús Ramirez	03/28/61	16108 Mesa Rocks	Fabens	Paso TX	3/4/19
4		Alma R Saucedo	04/03/61	16123 Mesa Rocks	Fabens	Paso TX	03/04/19
5		Jesus E. Cano	05/28/93	16152 Mesa Rocks	Fabens	Paso	03/04/19
6		Hugo Cruz	04/01/76	894 Mesa Silver	Fabens	Tx.	03/6/19

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<del>Agustín Cano</del>	<del>Agustín Cano Jr.</del>	<del>02/12/69</del>	<del>16152 mesa rocks</del>	<del>Fabens</del>	<del>Paso TX</del>	<del>04/3/2019</del>
<del>Guadalupe Romero</del>	<del>GUADALUPE ROMERO</del>	<del>1/20/78</del>	<del>16147 MESA ROCKS</del>	<del>FABENS</del>	<del>EL PASO</del>	<del>04/3/2019</del>
<del>Melissa I. Rodriguez</del>	<del>MELISSA I. RODRIGUEZ</del>	<del>10-0-88</del>	<del>16143 MESA ROCKS</del>	<del>FABENS</del>	<del>EL PASO TX</del>	<del>04/3/2019</del>
Misael Barron	Misael Barron Galindo	10-27-1981	16148 mesa Rocks	Fabens	EL PASO TX	04/3/2019
Brenda Holguin	Brenda Holguin	09/10/88	16150 Mesa Rocks	Fabens	EL PASO TX	04/3/2019
Henry Garcia	HENRY GARCIA	03/13/83	16135 MESA ROCKS	FABENS	EL PASO TX	04/3/2019

Circulator Maria Cano

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Petition to Appeal Rates Established by the Board of Directors  
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 Fabens, Texas 79838 - (915) 764-2212

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1	B. S. S. S.	Brenda Savaar	08/09/92	10124 mesa Jewell Dr	Fabens	TX	3-5-19 79838
2	Marylou Quiñonez	Marylou Quiñonez	7-5-74	16105 Mesa Jewell Dr.	Fabens	TX	3/17/19 79838
3	Laura Hernandez	Laura Hernandez	08/09/1990	788 mesa View Dr.	Fabens	TX	3/15/19 79838
4	Alicia Chavez	Alicia Chavez	02/11/1942	784 Mesa View Dr.	Fabens	TX	03/05/2019
5	Zulema Dorral	Zulema Dorral	11/19-80	765 mesa canyon Dr	Fabens	TX	3/16-2/19
6	Elizabeth Nuens	Elizabeth Nuens	05-22-84	757 mesa canyon Dr	Fabens	TX	3-16-2/19

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1 Monica Garcia	Monica Garcia	6-5-1968	885 mesa gold drive	Fabens	El Paso	3-5-2019
2 MARIA I. PEDROZA	MARIA I. PEDROZA	2-5-68	872 MESA GOLD DR.	FABENS	El Paso	3-5-19
3 Jaime Aleman	Jaime Aleman	01-01-55	873 MESA GOLD DR.	FABENS	El Paso	3-5-19
4 ERIC Barragan	ERIC -	03-20-90	889 Mesa Gold DR	Fabens	El Paso	3-6-19
5 Diana Sarriana	Diana Sarriana	02-26-84	877 Mesa Gold	Fabens	El Paso	3-6-19
6 Eric Lopez	ERIC LOPEZ	09/29/1986	801 Mesa Jewell Dr.	Fabens	El Paso	3-6-19

Circulator Elsa Rivera

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1		Sonia Hernandez	9/15/75	814 Mesa Jewell	Fabens	El Paso TX	3/6/2019
2		Guadalupe Mtz	01-05-81	815 Mesa Jewell	Fabens	El Paso TX	3/6/19
3		Iliana Martinez	04/09/99	701 mesa Canyon	Fabens	El Paso TX	3/6/19
4		Amparo Acevedo	03/12/59	834 Mesa Jewell	Fabens	El Paso TX	3/6/19
5		Maria Garcia	05/03/47	899 mesa CANYON Dr.	Fabens	El Paso TX	3/6/19
6		Elsa Garcia	06/04/69	801 Mesa CANYON Dr	Fabens	El Paso TX	3/06/19

Circulator Elsa Rivera

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1	José Esquivel	José Esquivel	6-8-65	810 mesa Jewell	Fabens	el Paso	3-6-19
2	RBB	Rosa Bosquez	09/05/92	848 mesa rim	Fabens	el Paso	3/6/19
3	Arturo Loya	Arturo Loya	3/15/55	861 Mesa Rim.	Fabens	el Paso	3/6/19
4	Maria del Carmen Reyes	Maria del Carmen Reyes	10-25-63	794 Mesa Jewell	Fabens	El Paso	3-6-19
5	Gabriela L. Keith	Gabriela L. Keith	12/12/1969	790 Mesa Jewell	Fabens	El Paso	3-6-19
6	Victor T. Terrazas	Victor T. Terrazas	3/26/62	893 Mesa Silver	Fabens	El Paso	3/06/19

Circulator Elsa Rivera

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1	Imelda Garcia	01/29/1986	808 mesa Canyon Dr.	Fabens TX 79838	El Paso	03/04/2019
2	Janet E. Sanchez	09/16/1987	779 Mesa Canyon Dr	Fabens TX 79838	El Paso	03/06/2019
3	Esteban Rodriguez	11/07/1977	772 Mesa Canyon Dr	Fabens TX 79838	El Paso	03/06/2019
4	Israel Marquez	06/06/1983	824 mesa Canyon Dr.	Fabens TX 79838	El Paso	03/06/2019
5	Rebeca L. Perez	11/08/82	808 Mesa Rim Drive	Fabens TX 79838	El Paso	03/06/19
6	Claudio Favela	6/30/87	727 Mesa Cove	Fabens TX 79838	El Paso	03/07/19

Circulator HERMILA ESPARZA

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1	Hilda Aguirre	Hilda Aguirre	11-24-82	836 mesa gold	Fabens	El Paso	3/6/19
2	Araceli Mairena	Araceli Mairena	04-18-80	830 Mesa Gold	Fabens	El Paso	3-6-19
3	Norma Galvan	Norma Galvan	6/14/84	805 mesa gold	Fabens	El Paso	3/6/19
4	Manoel Sanchez	Manuel Sanchez	9-8-91	811 Mesa Gold	Fabens	El Paso	3-6-19
5	Oscar Escobar	Oscar Escobar	12-2-74	823 Mesa silver	Fabens	El Paso	3-7-19
6	Armando Salazar	Armando Salazar	3-29-64	772 Meza ridge	Fab	EL P	3-7-19

Circulator Eka Rivero

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2017 WL 697213 (Tex.P.U.C.)

CITY OF HOWARDWICK RATEPAYERS' APPEAL OF THE DECISION OF THE RED RIVER AUTHORITY OF  
TEXAS' DECISION AFFECTING WATER AND SEWER RATES

Docket No. 46701

Texas Public Utility Commission

February 17, 2017

**ORDER NO. 4 DISMISSING PROCEEDING**

BY THE COMMISSION: Goodson, Administrative Law Judge.

\*1 This Order dismisses the December 28, 2016 petition by residents of the City of Howardwick appealing the decision of the Red River Authority of Texas to increase retail water and sewer rates effective October 1, 2016. The deadline to appeal the rate increases was December 30, 2016.<sup>1</sup> Additionally, to perfect an appeal, the petition must have been signed by the lessor of 10,000 or 10 percent of those ratepayers whose rates were changed and who are eligible to appeal.<sup>2</sup>

Red River is a district for purposes of TWC § 13.043(b)(4),<sup>3</sup> and pursuant to an ordinance adopted by Howardwick, is franchised to provide retail water service within the city.<sup>4</sup> Therefore, residents of Howardwick were affected by Red River's retail water rate increase and are eligible to appeal the increase in Red River's retail water rates. However, Red River does not provide retail sewer service within Howardwick, and none of the signatories of this petition are Red River's retail sewer customers.<sup>5</sup> Therefore, the signatory residents of Howardwick have not had their retail sewer rates changed and are not eligible to appeal Red River's retail sewer rate change.

In this case, Red River raised its retail water rates district wide;<sup>6</sup> therefore, all of Red River's retail water customers experienced a rate change and are eligible to appeal, not just citizens of Howardwick. Red River serves 3,922 ratepayers with active water connections, and therefore at least 393 signatures of affected and eligible retail water customers were needed to perfect an appeal of Red River's water rate increase.<sup>7</sup>

The petition filed by residents of Howardwick includes the signatures of approximately 136 persons,<sup>8</sup> some of which Red River disputes.<sup>9</sup> The residents of Howardwick failed to meet the 10 percent requirement within the 90-day deadline, as required under TWC § 13.043(b).<sup>10</sup>

\*2 For this reason, Commission Staff recommended that this petition should be found administratively incomplete and dismissed for lack of jurisdiction.<sup>11</sup> Red River requested dismissal for the same reason.<sup>12</sup> The residents of Howardwick did not respond to the motions to dismiss.

For the reasons discussed above, this petition is deemed deficient, and it is therefore dismissed for lack of jurisdiction.

**Signed at Austin, Texas the 17<sup>th</sup> day of February 2017.**

Footnotes

<sup>1</sup> Tex. Water Code Ann. § 13.043(c) (West 2016)

<sup>2</sup> *Id.*

<sup>3</sup> Red River Authority of Texas' Motion to Dismiss for Lack of Jurisdiction at 1 (Jan. 30, 2017) (Red River).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 3.

CITY OF HOWARDWICK RATEPAYERS APPEAL OF THE..., 2017 WL 697213 (2017)

6        *Id.*

7        Commission Staff's Recommendation on Administrative Completeness at 2 (Jan. 30, 2017)(Staff).

8        *Id.*

9        Red River at 2.

10       Staff at 2.

11       Red River at 2.

12       *Id.* at 3 and 5.

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2015 WL 5920987 (Tex.P.U.C.)

RATEPAYERS' APPEAL OF THE DECISION BY THE CITY OF FRITCH TO CHANGE WATER RATES (37908-A)

PUC Docket No. 43086

SOAH Docket No. 473-15-0680.WS

Texas Public Utility Commission

October 8, 2015

**ORDER**

Before Nelson, Chairman, Anderson, Jr., and Marquez, Commissioners.

**BY THE COMMISSION:**

\*1 This Order addresses the ratepayers' appeal of the decision by the city of Fritch to increase water rates. The ratepayers residing outside the corporate limits of the city of Fritch sought to appeal the rate increase to the Commission as permitted by Texas Water Code (TWC) § 13.043(b).<sup>1</sup>

An evidentiary hearing on the issue of jurisdiction was held on May 19, 2015 at the State Office of Administrative Hearings (SOAH). The scope of the hearing was limited to whether petitioners had submitted the appropriate number of signatures to protest rates, as determined under TWC § 13.043(c). On June 15, 2015, the SOAH administrative law judge (ALJ) ruled that the Commission lacked jurisdiction in this case. A proposal for decision was issued on August 11, 2015, also holding that the Commission lacks jurisdiction to hear this case.

The Commission agrees with the proposal for decision's finding that the Commission lacks jurisdiction in this case. The Commission also agrees with the ALJ's finding that there was only one rate change at issue, with an effective date of January 1, 2014, and that all petitions, protest letters and motions to intervene should be counted. However, the Commission finds that the ALJ erred in including petitions filed more than 90 days after the effective day of the rate change (*i.e.*, January 1, 2014) in determining the number of signatures. The plain language of TWC § 13.043(c) dictates that an appeal must be initiated by filing a petition with the Commission "within 90 days after the effective day of the rate change." The Commission has limited latitude to interpret such unambiguous statutory language. In accordance with this decision, the Commission modifies conclusion of law 7.

In addition, the Commission deletes finding of fact 19 and conclusion of law 3, as neither are necessary to the outcome of this case. Finally, the Commission modifies finding of fact 21 to state that the city had 1,143 customers residing outside the corporate limits as of October 1, 2014.

Other than as discussed above, the Commission adopts the proposal for decision, including findings of fact and conclusions of law, including the SOAH ALJ's conclusion that petitioners failed to gather the requisite 10% of signatures, and that therefore the Commission lacks jurisdiction to hear this appeal.

The Commission adopts the following findings of fact and conclusions of law:

**I. Findings of Fact**

1. The city of Fritch, Texas is a municipal corporation home-rule city operating under the Texas Constitution and Texas Local Government Code §§ 9.001-.008.

\*2 2. Fritch Municipal Water Supply is a municipal water utility wholly owned by Fritch.

3. At its regular meeting of December 17, 2013, the Fritch City Council adopted a rate ordinance that increased water rates charged to ratepayers, including ratepayers that lived outside the city limits of Fritch (collectively, petitioners). The rate

increase of \$12 for each water meter was scheduled to take effect in January 2014.

4. Fritch did not provide notice of this rate increase to its ratepayers living outside the city limits (environs ratepayers).

5. On or around March 1, 2014, petitioners began circulating a petition to appeal the Fritch's rates.

6. On May 5, 2014, the Texas Commission on Environmental Quality (TCEQ) received the petition to review Fritch's rates, including 78 signatures of environs ratepayers.

7. On July 21, 2014, the TCEQ notified Fritch that ratepayers outside of its corporate limits had not been given notice of a water rate increase as required by 30 Texas Administrative Code (TAC) § 291.22(b).

8. On September 1, 2014, the case was transferred to the Commission.

9. In September 2014, Fritch sent notice to its environs ratepayers of a \$12 increase in rates per 10,000 gallons, with an effective date of October 1, 2014.

10. The September 2014 notice of the rate increase incorrectly notified environs ratepayers that the proper method for appealing the increase was through protest letters sent to the TCEQ.

11. On November 3, 2014, the Commission administrative law judge (ALJ) ordered Fritch to send corrected notice to its environs ratepayers that this was the same rate increase as the increase in January 2014. The ALJ also directed Fritch to inform the ratepayers that the correct form of appeal is to file a petition with the Commission before February 12, 2015.

12. On November 13, 2014, Fritch filed a motion to dismiss, citing a lack of jurisdiction, arguing that the Commission had received an insufficient number of signatures on comments, protests, and petitions of environs customers.

13. On November 21, 2014, the Commission ALJ denied the City's motion to dismiss.

14. On February 4, 2015, the Commission referred this matter to the State Office of Administrative Hearings (SOAH).

15. On March 10, 2015, the Commission issued its Preliminary Order.

16. On March 10, 2015, Fritch filed its second motion to dismiss.

17. On May 19, 2015, SOAH ALJ Lilo D. Pomerleau convened a limited hearing to address the jurisdictional issues raised by Fritch.

18. The rate change effective January 1, 2014, and the rate change effective October 1, 2014, were the same change in water rates, an increase of \$12 per month.

19. DELETED.

20. Fritch had 1,276 environs ratepayers on January 1, 2014, when the City implemented the \$12 rate increase.

21. On October 1, 2014, Fritch had 1,143 environs ratepayers.

22. Because there was one rate increase, which was first effective January 1, 2014, and because the City gave different and confusing notices of the same increase, it is appropriate to use the number of the City's environs customers on January 1, 2014, to determine if the rate protest meets the requirements of TWC § 13.043(c).

\*3 23. Ten percent of 1,276 ratepayers is 128.

24. Commission Staff reviewed all petitions, motions to intervene, and protests filed with the Commission to determine

whether there was a sufficient number of ratepayers' signatures.

25. The number of signatures on the different petitions, motions to intervene, and protests should be added together to determine whether the 10% threshold was met because both rate changes were the same change in rates and should be considered one and the same.

26. One hundred and four eligible environs ratepayers filed a protest of Fritch's rate increase.

## II. Conclusions of Law

1. Subject matter jurisdiction over water and wastewater rate cases was vested in the TCEQ until September 1, 2014, when such jurisdiction was transferred to the Commission. Act of May 13, 2013, 83rd Leg., R.S., ch. 170 (HB 1600), § 2.96, 2013 Tex. Gen. Laws 725, 730; Act of May 13, 2013, 83rd Leg., R.S., ch. 171 (SB 567), § 96, 2013 Tex. Gen. Laws 772.

2. SOAH has jurisdiction over all matters relating to the conduct of a hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law TWC § 13.041; Tex. Gov't Code ch. 2003.

3. DELETED.

4 Ratepayers of a municipally-owned utility residing outside the corporate limits of that municipality may appeal a decision affecting their water rates to the utility commission. TWC § 13.043(b).

5. An appeal under TWC § 13.043(b) must be initiated by filing a petition for review with the utility commission within 90 days after the effective day of the rate change, and the petition must be signed by the lesser of 10,000 or 10% of those ratepayers whose rates have been changed and who are eligible to appeal under Subsection (b). TWC § 13.043(c).

6. All filed protests, complaints, and motions in this case should be considered properly signed petitions for review as Fritch did not provide adequate notice of the rate increase and proper method of appeal. See TWC § 13.043(i).

7. Petitioners failed to meet the requirements to appeal under TWC § 13.043(c) because although they are eligible to appeal as ratepayers who reside outside the corporate limits of a municipally-owned utility, petitioners failed to gather the requisite 10% of signatures required for an appeal under Subsection (b) within 90 days of the effective day of the rate change. TWC § 13.043(b), (c).

## III. Ordering Paragraphs

In accordance with the above findings of fact and conclusions of law, the Commission issues the following order:

\*4 1. The petition of the city of Fritch utility customers residing outside the city's corporate limits to seek a review of the decision to increase water rates is denied.

2. All other motions, requests for entry of specific findings of fact and conclusions of law, and other requests for general or specific relief, if not expressly granted, are denied.

SIGNED AT AUSTIN, TEXAS the 8<sup>th</sup> day of October 2015.

### Footnotes

<sup>1</sup> Tex. Water Code Ann. § 13.043(b) (West 2008 & Supp. 2014) (TWC)

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# CITY OF CELINA MASTER FEE CHART

UPDATED FEBRUARY, 2020





# MASTER FEE CHART

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