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DOCKET NO. 49261

COMPLAINT OF MICHAEL E. MOORE §  
AGAINST C WILLOW WATER §  
COMPANY §

PUBLIC UTILITY COMMISSION  
OF TEXAS

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**COMMISSION STAFF'S RESPONSE TO ORDER NO. 5**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to Order No. 5 and would show the following:

**I. BACKGROUND**

On February 26, 2019, Michael E. Moore (Complainant) filed a complaint against C Willow Water Company (C Willow) regarding water billing and related charges. Specifically, Mr. Moore is disputing a \$1,808.86 water bill received on October 3, 2018, that was based on usage in the amount of 495,280 gallons. The complaint was filed pursuant to 16 Texas Administrative Code (TAC) § 22.242.

In accordance with Order No. 1, C Willow filed a response to the complaint on March 19, 2019, and Staff filed a Statement of Position and a request for additional time to conduct discovery on March 27, 2019. Staff filed a Supplemental Statement of Position on May 5, 2019, recommending that the Complainant should receive a partial refund in the amount of \$1,717.87. On May 16, 2019, C Willow filed a response to Staff's recommendation reasserting that the Complainant was responsible for the usage for which he was billed.

As required by Order No. 4, Staff filed a response to C Willow's May 16<sup>th</sup> filing on May 30, 2019, continuing to recommend that the Complainant receive a refund. Noting that "there appear to be outstanding questions of law and fact that require further development of the record in this proceeding," Order No. 5, issued on August 13, 2019, directed the parties to file a response regarding the appropriate manner in which to proceed with this docket by September 9, 2019. Therefore, this pleading is timely filed.

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## II. REQUEST FOR REFERRAL

Staff recommends the referral of this matter to the State Office of Administrative Hearings (SOAH). After re-reviewing the information filed by both parties, as well as C Willow's discovery responses, Staff believes that the facts are in dispute and an evidentiary record needs to be developed.

## III. CONCLUSION

For the reasons stated above, Staff respectfully requests referral to SOAH for a hearing on the merits.

Dated: September 9, 2019

Respectfully Submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

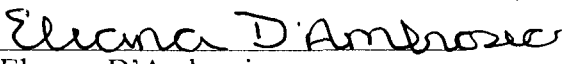
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**DOCKET NO. 49261**  
**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on September 9, 2019, in accordance with 16 TAC § 22.74.

  
Eleanor D'Ambrosio