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PUC DOCKET NO. 49261

SOAH DOCKET NO. 473-20-1120.WS

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PUBLIC UTILITY COMMISSION
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OF TEXAS
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COMPLAINT OF MICHAEL e. MOORE
AGAINST C WILLOWWATER CO

PRELIMINARY ORDER

On February 26, 2019, Michael E. Moore (Complainant) filed a formal complaint against C Willow Water Company (C Willow) regarding water billing and related charges. Specifically, Mr. Moore is disputing a \$1808.86 water bill received on October 3, 2018, that was based on usage in the amount of 495,280 gallons. The complainant was filed pursuant to 16 Texas Administrative Code (TAC) 22.242. This preliminary order identifies the issues that must be addressed.

The complainant purchased a home on July 6, 2018 based on the closing documents provided. The complainant purchased a home being built on 303 Hickory Trail, La Vernia, Texas.

The complainant moved into a new home without contacting C Willow Water for service. The builder had the account set up and is a prior customer with good credit with at least 15 properties. C Willow Water contacted the builder to see if they were aware of any high water usage from the new build or any aware of any leaks. This property is in the sand which is very hard to determine if there is a leak. C Willow Water has made phone contacts and e-mail contacts with this complainant to confirm that we have checked the reading four times and the customer, Mrs. and Mr. Moore have also verified the reading is correct. There was no other customer other than the builder. We explained how they may have left something on the last few months or a running toilet but no luck in some of our explanations or the builders. There is an email that the complainant's wife sent an email on October 3, 2018 indicating they witnessed the meter spinning and had a video.

It stated on the cover page Mr. Moore was stealing water and lived at this location for several months before establishing service. If you look at the attached documents from his application from the most recent mailing, his proof of ownership states that the closing date was July 6,2018. There is also an

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initial email from Mr. and Mrs. Moore on October 3, 2018 indicating they witnessed the meter spinning and had a video. There is also the email from Amy Moore on September 12, 2018 requesting service for the first time. Due to these facts please reconsider the charges you stating he does not owe because he in fact was living there already on those dates of that meter read. I appreciate you looking at the attached proofs again or in the first two mailouts.

I. ISSUES TO BE ADDRESSED

The Commission must provide to the administrative law judge (ALJ) a list of issues or areas to be addressed in any proceeding referred to the State Office of Administrative Hearings (SOAH).¹⁵ After reviewing the pleadings submitted by the parties, the Commission identifies the

following issues that must be addressed in this docket:

1. As a small water system in La Vernia, Texas is it easy to locate Keith Johanson office with the town population being less than 5,000 people and one main road leading to the subdivision and his office which is the direction the owner went every day to work.
2. Did Mr. or Mrs. Moore contact the builder or get notified by the builder's office (Keith Johanson) the details to contact C Willow Water? If so, why did you wait so long after the closing date of July 6, 2018 to complete the application process to transfer water service on September 13, 2018?
3. Did Mr. Moore see our contact information on the application or signs with contact info?
4. Did Mr. Moore move in without contacting the water company or the builder?
5. Are you aware that we filed a police report for theft of services due to not contacting the C Willow Water and not paying for using during the summer months?
6. Were you aware of any leaks and what did the plumber say when he came to verify if you had a leak?

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7. Were you aware and can you share with us the video that shows that your meter was spinning on October 3, 2018 from Amy Moore's email stating the meter was spinning and had previously mentioned to her on the phone that could indicate they had a leak.
8. Did you verify with the builder if you had a leak and use their licensed plumber?
9. What did you find that was causing your meter to spin?
10. Did you confirm the reading 501970 was correct? Did your wife confirm the reading was correct?
11. If you did not believe the bill was correct, then why did you proceed to pay the bill in full in October and December 2018?
12. Why did you wait several months to file a complaint if you knew it was your leak and the bill was due and you paid it? Why do you think we owe you a refund if it was your leak? Customer's are responsible for their own leaks.

This list of issues is not intended to be exhaustive. The parties and the ALJ are free to raise and address any issues relevant in this docket that they deem necessary, subject to any limitations imposed by the ALJ or by the Commission in future orders issued in this docket. The Commission 00003 PUC Docket No. 49261 Preliminary Order Page 4 of 4 SOAH Docket No. 473-20-1120.WS may identify and provide to the ALJ in the future any additional issues or areas that must be addressed.

II. EFFECTS OF PRELIMINARY ORDER

This Order is preliminary in nature and is entered without prejudice to any party expressing views contrary to this Order before the SOAH ALJ at hearing. The SOAH ALJ, upon his or her own motion or upon the motion of any party, may deviate from this Order when circumstances dictate that it is reasonable to do so. Any ruling by the SOAH ALJ that deviates from this Order

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may be appealed to the Commission. The Commission will not address whether this Order should be modified except upon its own motion or the appeal of a SOAH ALJ's order. Furthermore, this Order is not subject to motions for rehearing or reconsideration.

Signed at Austin, Texas the 2nd day of December 2019.

LINDA H BRITE
ADMINISTRATIVE LAW JUDGE
PUBLIC UTILITY COMMISSION OF TEXAS