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**SOAH DOCKET NO. 473-20-1120.WS  
PUC DOCKET NO. 49261**

**COMPLAINT OF MICHAEL E.  
MOORE AGAINST C-WILLOW  
WATER COMPANY**

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**BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS**

**COMMISSION STAFF'S REPLY BRIEF**

Dated: July 22, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**I. INTRODUCTION**

C-Willow Water Company's (C-Willow) Written Closing Arguments made claims regarding the accuracy of meter readings and whether Michael Moore (Mr. Moore) was a qualified service applicant prior to September 13, 2018.<sup>1</sup> Staff's Reply Brief will respond to both of C-Willow's claims.

**II. ACCURACY OF METER READING**

C-Willow, in its Written Closing Arguments, identified multiple individuals or entities they claim read Mr. Moore's meter for accuracy.<sup>2</sup> C-Willow claims that because no party found discrepancies in the meter itself, the accuracy of the gallonage readings have been verified.<sup>3</sup> However, Staff's Initial Brief outlined discrepancies in C-Willow's record keeping that could have led to an inaccurate reading of Mr. Moore's meter.<sup>4</sup> Further, Staff provided an analysis of the 495,280 gallonage reading and why Mr. Moore using that much water in one month was highly improbable.<sup>5</sup> Staff's analysis in its Initial Brief addresses the 495,280 gallon reading and established that it is likely inaccurate and did not reflect Mr. Moore's actual usage from July to August of 2018.<sup>6</sup> C-Willow did not provide any new information or analysis regarding the accuracy of the meter reading in its Written Closing Arguments that was not already addressed by Staff's Initial Brief. Thus, Staff's position remains that the number of discrepancies in C-Willows records with regard to the meter readings combined with the fact that, absent a leak or other anomaly, Mr. Moore could not have used 495,280 gallons in the period from July to August of 2018, indicate that the meter is either inaccurate or was not read properly. C-Willow seems to be simply insisting in its Written Closing Arguments that the meter was tested for accuracy and

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<sup>1</sup> C-Willow Water Company's Written Closing Arguments (C-Willow's Closing Arguments) at 1-2.

<sup>2</sup> *Id.* at 1.

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

<sup>4</sup> Staff Initial Brief at 4-14.

<sup>5</sup> *Id.* at 14-17.

<sup>6</sup> *Id.* at 4-17.

consequently that means their reading of that meter is also accurate. Staff's position is that if the meter is in fact accurate, that does not mean that C-Willow read the meter properly.

Staff also notes that C-Willow provided six new documents as part of its Written Closing Arguments that they did not offer into evidence during the hearing on the merits.<sup>7</sup> As the Administrative Law Judge (ALJ) is aware, these documents were not entered into the evidentiary record and therefore are not evidence in this proceeding. Further, these documents appear nowhere in the administrative record for Public Utility Commission Docket No. 49261 and this is the first time C-Willow has provided these documents during these proceedings. Staff respectfully requests that the ALJ disregard these extraneous documents as they are not evidence in this proceeding.

### **III. QUALIFIED SERVICE APPLICANT UNDER 16 TEXAS ADMINISTRATIVE CODE (TAC) § 24.161(A)**

C-Willow claims in its Written Closing Arguments that “by admitting [Mr. Moore] moved in the house in July prior to submitting [Mr. Moore’s] application that indicates [Mr. Moore] would be the sole person responsible for paying this bill.”<sup>8</sup> C-Willow did not rebut Staff’s argument that 16 TAC § 24.161(a) precluded C-Willow from charging Mr. Moore for service prior to September 13, 2018 because Mr. Moore was not a qualified service applicant.<sup>9</sup> Further, C-Willow has provided no statute or rule that gave them the authority to charge Mr. Moore before he became a qualified service applicant. Thus, Staff’s position remains that C-Willow is not able to bill Mr. Moore for water use at 303 Hickory Trail prior to Mr. Moore becoming a qualified service applicant on September 13, 2018.

### **IV. CONCLUSION**

C-Willow’s Written Closing Arguments present no viable argument that suggests Mr. Moore could have used 495,280 gallons of water from July to August of 2018, nor does it cite any authority that would allow C-Willow to charge Mr. Moore for usage prior to him becoming a qualified service applicant. Thus, Staff’s position is that C-Willow should be required to refund Mr. Moore \$1,783.58 in charges, late fees and interest, because the record does not support a

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<sup>7</sup> C-Willow’s Closing Arguments at Attachment 1-6.

<sup>8</sup> C Willow’s Closing Arguments at 2.

<sup>9</sup> Staff Initial Brief at 3-4.

finding that Mr. Moore actually used or is responsible for the 495,280 gallons on which that charge was based.

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**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on July 22, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Robert Dakota Parish  
Robert Dakota Parish