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Public Utility Commission of Texas

Commissioner Memorandum

2020 NOV -3 PM 2:47

TO: Commissioner Arthur C. D'Andrea
Commissioner Shelly Botkin

FROM: Chairman DeAnn T. Walker 

DATE: November 3, 2020

RE: November 5, 2020 Open Meeting – Item No. 2
Docket No. 49261 – *Complaint of Michael E. Moore against C Willow Water Company*

I recommend that the Commission adopt the proposal for decision and make the following changes to the order in this proceeding.

Finding of fact 6 should be modified for accuracy.

6. On December 13, 2019, the Commission ~~issued~~ filed a ~~P~~preliminary ~~O~~order ~~identifying the issues to be addressed in this proceeding. The preliminary order contained a reference to the particular sections of the statutes and rules involved, and a short, plain statement of the factual matters asserted.~~

Findings of fact 7 and 8 should be modified for completeness.

7. In SOAH Order No. 2 issued ~~filed~~ Oon January 23, 2020, the SOAH ALJ ~~issued Order No. 2, adopted a procedural schedule that included which stated the time, and place, and nature of the hearing.~~
8. A telephonic evidentiary hearing was held on June 23, 2020, ~~before SOAH ALJ Linda H. Brite. Mr. Moore appeared and represented himself. Sandra Strozier appeared and represented C Willow. Commission s(Staff) appeared through attorney Robert Parish. The record closed on July 22, 2020; following the filing of reply briefs in accordance with the procedural schedule established in Order No. 6.~~

Findings of fact 25, 26 and 27 should be deleted for relevancy.

25. DELETED. ~~Mr. Moore used 1,250 gallons from September 14, 2018, to October 1, 2018.~~
26. DELETED. ~~After Mr. Moore disputed the bill, C Willow informed Mr. Moore that if he did not pay his bill, his water would be shut off.~~
27. DELETED. ~~Mr. Moore paid the disputed bill in full over three monthly payments.~~

Conclusions of law 2, 4, and 5 should be modified for clarity and accuracy. Texas Government Code § 2001.058, 16 TAC §§ 24.155 and 24.161, and TWC § 13.4115 are relevant to this proceeding and should be referenced in the applicable conclusions of law.

2. SOAH ~~had~~ jurisdiction over matters related to the hearing in this case, including the preparation of a proposal for decision with findings of fact and conclusions of law, ~~pursuant to~~ under Texas Government Code §§ 2001.058 and 2003.049; and ~~TWC Texas Water Code~~ § 13.041.
4. C Willow was not authorized to bill Mr. Moore for water used before the completion of a service agreement under 16 TAC § 24.161.
5. C Willow ~~is required to~~ should refund to Mr. Moore \$1,783.58 in charges, late fees, and interest within 30 days under TWC § 13.4115 and 16 TAC § 24.155.

A new ordering paragraph 1 should be added before proposed ordering paragraph 1 because it is necessary to support the order. Subsequent ordering paragraphs should be renumbered accordingly.

1. The Commission adopts the proposal for decision, including findings of fact and conclusions of law, to the extent provided in this Order.

Proposed ordering paragraph 2 should be modified to state the required deadline for C Willow to comply with the Commission's order.

23. C Willow Water Company ~~shall~~ must, within 30 days of the date of this Order, refund \$1,783.58 to Michael E. Moore.

New ordering paragraph 4 should be added to state the required filings for C Willow to make at the Commission to prove compliance with the order.

4. C Willow must, within 45 days of the date of this Order, file documentation to demonstrate that it has refunded \$1,783.58 to Michael E. Moore.

Finally, I propose delegating to the Office of Policy and Docket Management staff the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

I look forward to discussing this matter with you at the open meeting.