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DOCKET NO. 49276

RECEIVED

COMPLAINT OF JERRY GRIBBLE §
AGAINST DOUBLE DIAMOND §
UTILITIES CO. §

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PUBLIC UTILITY COMMISSION
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FILING CLERK
OF TEXAS

COMMISSION STAFF’S STATEMENT OF POSITION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Commission Staff’s Statement of Position and would show the following:

I. BACKGROUND

On February 28, 2019, Jerry Gribble (complainant) filed a complaint against Double Diamond Utilities Co. regarding payment location for water and wastewater services and the assessment of a late fee and reconnection fee under 16 Texas Administrative Code (TAC) § 22.242.

On March 4, 2019, the administrative law judge (ALJ) issued Order No. 1, requiring Staff to file a statement of position on the Complaint on or before April 1, 2019. Therefore, this pleading is timely filed.

II. COMPLIANCE WITH INFORMAL RESOLUTION REQUIREMENTS

Typically, a complainant must first file an informal complaint before filing a formal complaint with the Commission. The requirement for an informal complaint may, however, be waived by Staff.¹ In this case a waiver should not be required. The complainant alleges that he has incurred a \$7.27 late fee and a \$50.00 reconnection fee due in part to the failure of DDU to make available and notify its customers of a business location where its customers may make payments to prevent disconnection of or to restore service in accordance with Texas Water Code § 13.137. Consequently, he would like to be credited the reconnection and late fees. Complainant has already

¹ 16 Tex. Admin. Code § 22.242(c)(2).

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filed an informal complaint² in which he describes a scenario where, as a result being required to mail his payments, he was assessed the fees at issue in this case. Complainant's informal complaint was not resolved in his favor. Therefore, Staff recommends that the Complainant has met the informal resolution requirements.

III. THE COMPLAINT

The Complainant alleges that he has incurred a \$7.27 late fee and a \$50.00 reconnection fee due in part to the failure of DDU to make available and notify its customers of a business location where its customers may make payments to prevent disconnection of or to restore service in accordance with Texas Water Code § 13.137. Complainant is also seeking the option to pay at a local location in the future so he does not have to mail his payment and incur additional fees in the future.

IV. DDU'S RESPONSE

DDU asserts that Complainant's allegations regarding improper disconnection of service were fully addressed and resolved correctly by the Commission in the informal complaint. DDU relies on the fact that the Commission's Consumer Protection Division (CPD), found that DDU complied with the requirements for the disconnection of Complainant's service. In addition, DDU has provided an office address and drop box location that is within the Complainant's community and within 2.3 miles of the Complainant's address.

V. STAFF'S STATEMENT OF POSITION

In this case, there are substantial facts that are in dispute and an evidentiary record needs to be developed. Accordingly, Staff recommends that this docket be referred to the State Office of Administrative Hearings for a hearing on the merits.

VI. CONCLUSION

For the reasons stated above, Staff respectfully recommends that this docket be referred to the State Office of Administrative Hearings for a hearing on the merits.

² CP2018120657.

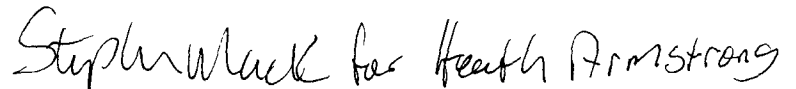
Dated: April 1, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

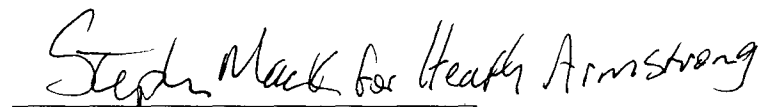
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**DOCKET NO. 49276
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on April 1, 2019, in accordance with 16 TAC § 22.74.


Heath D. Armstrong