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DOCKET NO. 49290

**PETITION OF SWWC UTILITIES,
INC. DBA WATER SERVICES, INC.
APPEALING THE ORDER OF THE
CITY OF BULVERDE IN
COMPLAINT NO. 2018-01**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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**COMMISSION STAFF’S RESPONSE TO SWWC UTILITIES, INC., DBA WATER
SERVICES, INC.’S MOTION TO REINSTATE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to SWWC Utilities, Inc., dba Water Service, Inc.’s Motion to Reinstate. The motion should be denied. In support thereof, Staff shows the following:

I. BACKGROUND

On March 5, 2019, SWWC Utilities, Inc., dba Water Services, Inc. (SWWC), filed a petition in this docket appealing the City of Bulverde’s (City’s) order in Complaint No. 2018-01. The City’s order, issued on February 12, 2019, required SWWC to refund Sue Wahl, the complainant, in the amount of \$604.79 for overcharges related to water service.

On March 7, 2019, Order No. 1 was issued, establishing a deadline of March 19, 2019, for Staff to file a recommendation on the sufficiency of the petition, including whether the material submitted confidentially by SWWC complied with Commission rules. On March 19, 2019, Staff filed a recommendation that the petition be deemed deficient and that the petitioner be ordered to address the identified deficiencies. Specifically, Staff recommended that SWWC submit additional content, referred to by SWWC as “Exhibit A” in the City’s order, to adequately assess the petition. Further, Staff recommended that the petition may not have been accurately filed as an appeal under Texas Water Code (TWC) § 13.043 and 16 Texas Administrative Code (TAC) § 24.201(a). Rather, Staff recommended that the docket may more appropriately be restyled as a formal complaint under 16 TAC § 22.242.

On April 5, 2019, the Commission administrative law judge (ALJ) issued Order No. 2, finding the petition administratively incomplete and deficient for further review. The ALJ required SWWC to supplement the petition to cure the deficiencies described by Staff in its March 19, 2019 filing by providing the information omitted from the original petition. Additionally, the ALJ

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