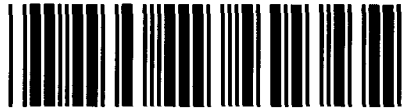


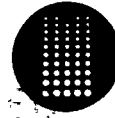


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**SouthWest
Water Company**

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FILING CLERK

SWWC Utilities, Inc.
12535 Reed Road
Sugar Land, TX 77478
Phone 281.207.5800
Fax 281.207.5940
www.swwc.com

March 5, 2019

Public Utility Commission of Texas
Central Records
1701 Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

Re: Original Petition of SWWC Utilities, Inc. dba Water Services, Inc. Appealing the Order of the City of Bulverde, Texas, issued on February 12, 2019 in It's Complaint No. 2018-01

To the Commission:

Attached for filing are ten copies of the petition in the above referenced matter. This petition is filed under the rules and proceedings of Chapter 13 of the Texas Water Code and Chapters 22 and 24 of the Commission's rules. Backup documents with some sensitive information are filed separately under confidentiality.

Please contact me if any questions or if additional information is needed.

Sincerely,

George Freitag, P.E.
Texas Regulatory Manager
SouthWest Water Company
gfreitag@swwc.com
(512) 219 2288

cc: The City of Bulverde, Texas
Sue Wahl

1

PUC DOCKET NO. _____

ORIGINAL PETITION OF SWWC UTILITIES, INC dba WATER SERVICES, INC. APPEALING THE ORDER OF THE CITY OF BULVERDE, TEXAS ISSUED ON FEBRUARY 12, 2019 IN IT'S COMPLAINT NO. 2018-01

To the Public Utility Commission of Texas:

SWWC Utilities, Inc. dba Water Services, Inc. (Water Services) files this petition under the rules and guidelines of the Public Utility Commission of Texas (Commission) and requests the Commission overturn the Order of the City of Bulverde, Texas (Bulverde or city) made in the matter before it styled Complaint No. 2018-01 and issued on February 12, 2019. The city's order is included with all documents filed separately under Confidentiality in chronological order.

Specifically, this is an appeal of Bulverde's decision in a billing complaint of a residential water service customer (complainant) originally filed with the city on November 19, 2018. On February 12, 2019 the City Council of Bulverde, after considering the information on file, ruled that Water Services overcharged the complainant in the amount of \$604.79 and ordered Water Services to refund that amount to the customer.

(1) Jurisdiction

Water Services is filing this Appeal of Rate-making Decision, Pursuant to the Texas Water Code §13.043 and Section 24.101(a) of the Commission's Substantive Rules. The Commission has jurisdiction to rule on this matter. Water Services is a retail public utility providing water service in the State of Texas under Certificate of Convenience and Necessity Number 11106 and its rates and services are under the original jurisdiction of the Commission (Texas Water Code Chapter 13). Bulverde is a home rule municipality and a political subdivision of the State of Texas and under Texas Water Code Section 13.042.(a) it has exclusive original jurisdiction over all water and sewer utility rates, operations, and services provided by a water and sewer utility within its corporate limits. Water Services provides retail water utility service to the specific complainant in this matter and that customer is located within the city limits of Bulverde. Water Services as petitioners brings this appeal under Texas Water Code Section 13.043.(a) and Section 24.101.(a) which provides "Any party to a rate proceeding before the governing body of a municipality may appeal the decision of the governing body to the utility commission."

Additionally, this petition has been filed within the appeal window time frame allowed in Section 13.043 of the Water Code and Section 24.101 of the Commission's rules.

(2) Known Parties Affected if Relief is Granted

The City of Bulverde, Texas

Sue Wahl

SWWC Utilities, Inc. dba Water Services

(3) Parties

The City of Bulverde, Texas
c/o Danny Batts, City Manager
30360 Cougar Bend
Bulverde, TX 78163
Phone: 810 980 8832
Fax: 830 438 4339
Email: dbatts@bulverdetx.gov

Sue Wahl
4626 Evening Shadows Dr.
Bulverde, TX 78163
Email: swahl846@gmail.com

SWWC Utilities, Inc. dba Water Services, Inc.
12535 Reed Road
Sugar Land, TX 77478
Phone: 281 207 5800
Fax: 281 207 5940

(4) The Facts

1. On September 17, 2018, the customer filed a complaint with the Customer Protection Division (CPD) of the Commission. The customer alleged that since the water company replaced meters with "Smart Meters" she has been billed in excessive amounts 5

different times. She indicated the latest bill was for \$444.38 and she was charged with using 52,000 gallons of water and 42,000 gallons in the previous month (August).

2. On September 18, 2018, the CPD referred the matter to SouthWest Water's Customer Care coordinators. After review, Water Services determined the specific customer was located within the City of Bulverde and that Bulverde had the jurisdiction to review the matter.

3. On September 19, 2019 the CPD responded to the customer that the matter had been received, but that it had no jurisdiction since the customer's residence was within Bulverde. The customer was given the contact information for the city. CPD also informed Water Services by email that it had closed the complaint (CP2018090639).

4. On September 26, 2018 SouthWest contacted the customer by email that it would investigate the issues in the complaint.

5. On October 4, 2018 Water Services had a data log run on the complainant's meter. The data log shows the historical, daily water use for the previous 5 ½ months.

6. On October 5, 2018 Water Services' Customer Care Escalation Team sent a letter to the complainant outlining its investigation conclusions that the meter was reading accurately and the billed usage had occurred. Additional responses to various concerns of the customer about leaks and the meter were included in that letter.

7. On October 10, 2018 Water Services offered the complainant an installment plan to pay off the outstanding balances of the bill and on October 17, 2018 the complainant accepted.

8. On October 12, 2018 Bulverde sent a letter to Water Services that it had received a complaint from an in-city resident (the same) and gave instructions to investigate and how to respond. Some backup information was attached.

9. On October 18, 2018 Water Services responded in a letter addressed to Mr. Danny Betts, Bulverde City Manager, outlining the findings from its investigations. The conclusions were that the meter was reading accurately and the billed usage had occurred.

10. On December 3, 2018 Bulverde notified Water Services that it had received the complaint on this same matter and pursuant to its ordinances it would consider the complaint.

11. On December 17, 2018 the meter at the service location was tested by a third party testing firm at Water Services' request. The test indicated the meter met AWWA standards.

12. On December 20, 2018 Water Services responded to the city's notification with a letter reemphasizing the findings and conclusions that the meter readings were accurate and the billed usage had occurred. Attached with the letter were copies of the third party meter test, the data logs, the customer's bills, and other documents.

13. On February 8, 2019 the city sent a letter by priority mail to Water Services that it intended to review and rule on the formal complaint on February 12, 2019.

14. On February 14, 2019 the city sent a copy of the Order that it issued on February 12, 2019 in the subject complaint (Bulverde's Complaint No. 2018-01), The city ordered' Water Services to reduce the amount the complainant owed Water Services by \$604.79.

15. On February 20, 2019 Water Services credited the complainant's account for \$604.79 and left voice messages with the complainant detailing that fact.

16. On February 26, 2019 Water Services notified Bulverde by mail that it had credited the account and also sent a copy to the complainant.

All relevant documents have been submitted separately under Confidentiality.

(5) Specific Relief Requested

1. Water Services requests the Commission review the appropriate record in this matter *de novo* according to Texas Water Code Section 13.043 and Section 24.101 of the rules.

2. Water Services requests the Commission overturn the decision of the city council of Bulverde in its Order issued February 12, 2019.

3. Additionally, the complainant, a Water Services customer, should be required to pay all past due charges incurred for the provision of water service during the period of dispute in this case.

(6) Certificate of Service

See attached Certificate of Service

(7) Person to Whom Service May be Had

George Freitag, P.E.
Texas Regulatory Manager
SouthWest Water Company
SWWC Utilities, Inc. dba Water Services, Inc.

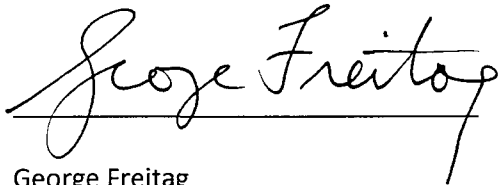
Physical Address:

1620 Grand Avenue Parkway, Suite 140
Pflugerville, TX 78660
Ph: (512) 219 2288
Fax:: (512) 252 8782
Email: gfreitag@swwc.com

Mailing Address for Service:

SouthWest Water Company
12535 Reed Road
Sugar Land, TX 77478

Respectfully submitted,

A handwritten signature in black ink that reads "George Freitag". The signature is written in a cursive style and is positioned above a horizontal line.

George Freitag

Texas Regulatory Manager
SouthWest Water Company
SWWC Utilities, Inc. dba Water Services, Inc

CERTIFICATE OF SERVICE

I certify that I have sent a true and correct copy of the ORIGINAL PETITION OF SWWC UTILITIES, INC dba WATER SERVICES, INC. APPEALING THE ORDER OF THE CITY OF BULVERDE, TEXAS ISSUED ON FEBRUARY 12, 2019 IN IT'S COMPLAINT NO. 2018-01 to the following, as indicated, on the 5th day of March, 2019.

The City of Bulverde, Texas
c/o Danny Batts, City Manager
30360 Cougar Bend
Bulverde, TX 78163
Phone: 810 980 8832
Fax: 830 438 4339
Email: dbatts@bulverdetx.gov


*Via U.S. Mail Priority
Signature Required*

Sue Wahl
4626 Evening Shadows Dr.
Bulverde, TX 78163
Email: swahl846@gmail.com

*Via U.S. Mail
Signature Required*

Public Utility Commission of Texas
Central Records
1701 N. Congress Ave., Suite 8-100
Austin, TX 78701

Via Hand Delivery


George Freitag