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Received - 2021-08-11 02:03:18 PM
Control Number - 49351
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Commissioner



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Governor

Thomas J. Gleeson
Executive Director

Public Utility Commission of Texas

TO: Central Records

FROM: Lorenzo Z Garcia
Commission Advising

DATE: August 11, 2021

RE: Correspondence related to Docket No. 49351; SOAH Docket No. 473-19-5674 – *Ratepayers' Appeal of the Decision by Bear Creek Special Utility District to Change Rates*

Chairman Lake received the attached correspondence pertaining to the above-style docket.

Please note that a member or employee of a state agency assigned to render a decision in a contested case may not directly or indirectly communicate in connection with an issue of fact or law with any state agency, person, party, or representative of those entities, except on notice and opportunity for each party to participate. See Administrative Procedures Act, Texas Government Code § 2001.061.

Commission Advising is filing the correspondence. Parties will not be served copies of the attached document but can access it through the PUC Interchange at <http://interchange.puc.texas.gov>.

cc: All Parties (without attachment)

W Office 365
q:\cadm\memos\exparte\49351 ex parte email to chairman.docx



From: Deborah Fato <[REDACTED]>
Sent: Tuesday, August 10, 2021 5:43 PM
To: ChairmanLake <chairmanlake@puc.texas.gov>
Cc: Deborah Fato <[REDACTED]>
Subject: PUC Control No. 49351 - Disheartened by Filing of today 8-10-2021

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Hello PUC Chairman Lake,

It was my pleasure to meet you when I appeared on Thursday July 29, 2021 for the Hearing on this rate appeal.

I am confused and disappointed with the filing today, which was the PUC Staff's re-working of the numbers to the 1.1 ratio decided upon at the July 29th Hearing for our Ratepayer's Appeal case, Control No. 49351.

It does not answer questions I have as to how much the \$35 Service fee should go down to, and for how long. I would think that for the entire duration of the loan the SUD took out which triggered the increase in service fee, it should drop from \$35 to \$30.81 for a 3/4" meter size.

The Bear Creek SUD Ratepayers have been overcharged on the \$35 service fee since it was raised with the rate increase of December 18, 2018. The '14 month' calculation does not mark the time that the overcharging stopped - it marks the time until the next rate increase happened in February 2020. But even though water rates went up again, the service fee amount remained the same \$35, which is a major crux of Ratepayers' appeal proceedings.

When I called Kourtnee Jinx, PUC Staff Attorney, today about my confusion, her response was that I should have brought a new appeal when the rates increased in Feb 2020; that the laws say the time the rates were in effect is what was considered per my Appeal, and that if I had a problem with it, to "take it up with the Legislature" and *click* she hung up on me.

The table provided in the attached document also makes no mention of any type of schedule to either (1) reimburse Ratepayers for the service fee overcharges and (2) deal with any requisite reimbursement of attorney's fees incurred by the SUD to pay Attorney John Carlton (who has been paid all along with Ratepayers' overcharged fee monies, but now is seems they must pay it again) over a 36 month stretch.

Is the attached a 'Final Order'? Because as newly elected President of this Bear Creek SUD, it does not make clear what is being ordered.

I want to report back to the Ratepayers who have supported these appeal efforts that the service fee is supposed to go down. Otherwise, all my 5 years worth of efforts to get this matter to this point would only have been for the sole purpose of making John Carlton a richer man. Ergo my huge disappointment.

Is this how Justice looks? Because I must say 'there is no justice, it's just us'. And for all this effort, the people still get nothing in the way of help.

Can you please circle back on this issue to help make a more clear and just Final Order?

Respectfully,

Deborah Fato

Co-Ratepayer Representative

1. Rates

Monthly Base Charge (includes 0 gallons)		Gallage Charge per 1,000 Gallons	
Meter Size	Rate	Usage	Rate
3/4"	\$30.81	0 to 5,000	\$6.35
1"	\$51.35	5,001 to 10,000	\$7.05
2"	\$164.32	10,001 to 15,000	\$8.09
3"	\$308.10	15,001 to 25,000	\$10.00
4"	\$513.50	Over 25,001	\$11.27
6"	\$1027.00		

2. Refund and Surcharge

Meter Size	Monthly Refund or Surcharge Per Connection	Total Refund or Surcharge for 14 Month Per Connection
3/4"	(\$4.19)	(\$58.66)
1"	(\$8.65)	(\$121.10)
2"	\$66.32	\$928.48
3"	\$122.10	\$1,709.40
4"	No customers for this meter size	No customers for this meter size
6"	No customers for this meter size	No customers for this meter size

DEB FATO



"One person can make a difference - Be that person "

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