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DOCKET NO. 49517

COMPLAINT OF JONATHAN B. §  
CROOK AGAINST NORTH BOSQUE §  
WATER SUPPLY CORPORATION §

PUBLIC UTILITY COMMISSION  
OF TEXAS

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PUBLIC UTILITY COMMISSION  
FILING CLERK

**COMMISSION STAFF’S SUPPLEMENTAL STATEMENT OF POSITION**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Staff’s Statement of Position. In support thereof, Staff shows the following:

**I. BACKGROUND**

On May 8, 2019, Jonathan B. Crook (Complainant or Mr. Crook) filed a complaint against North Bosque Water Supply Corporation (Respondent or NBWSC) regarding denial of water service. This complaint was filed pursuant to 16 Tex. Admin. Code (TAC) § 22.242. NBWSC filed its response to the complaint on May 30, 2019.

On June 10, 2019, the Administrative Law Judge (ALJ) issued Order No. 2, which required Staff to file a supplemental statement of position by July 8, 2019. Therefore, this pleading is timely filed.

**II. COMPLIANCE WITH INFORMAL RESOLUTION REQUIREMENTS**

As stated in the first Statement of Position, Staff has confirmed that Complainant has complied with the requirements for informal resolution.

**III. JURISDICTION**

As stated in the first Statement of Position, the Commission has jurisdiction to consider the allegations related to the denial of service in this complaint.

**IV. COMPLAINT**

The complainant is attempting to obtain service at his property, which is adjacent to two different water supply corporations, East Crawford Water Supply Corporation (ECWSC) and NBWSC (the subject of this complaint). Mr. Crook first attempted to obtain service from ECWSC and he is now appealing the cost of obtaining service from ECWSC in Docket No.

48676.<sup>1</sup> In ECWSC’s response to the appeal, they stated that “[u]pon information and belief, the meter requested by Applicant is within North Bosque's CCN”.<sup>2</sup>

Mr. Crook then sought to obtain service from NBWSC on October 10, 2018.<sup>3</sup> On February 7, 2019, NBWSC denied his request for service, stating that they will not provide service to Mr. Crook without an order from the Commission.<sup>4</sup> Mr. Crook seeks relief in the form of an order stating that his property is within NBWSC’s certificate of convenience and necessity (CCN) and directing NBWSC to provide him service at his property.<sup>5</sup>

## V. RESPONDENTS’ RESPONSE

Order No. 1 required NBWSC to file a response to the complaint no later than May 29, 2019. Specifically, the ALJ required NBWSC to address: (1) the Commission’s jurisdiction over this proceeding; (2) allegations raised in the complaint; (3) applicable statutes, rules, orders, and tariff provisions; (4) copies of any rates or tariffs that are the subject of this complaint; and (5) any other matters relevant to the complaint.

NBWSC filed its response on May 30, 2019, stating that it does not contest the Commission’s jurisdiction over this proceeding.<sup>6</sup> In response to the allegations raised in the complaint, NBWSC believes that ECWSC currently has facility lines on Mr. Crook’s property for which he seeks service. In addition, NBWSC believes ECWSC meters for Mr. Crook’s neighbor and Mr. Crook’s other property are currently located on the property for which he is seeking service.<sup>7</sup> Thus, NBWSC takes the position that it cannot serve Mr. Crook on the property for which he is seeking service and that ECWSC is the appropriate utility for service of Mr. Crook’s property.<sup>8</sup> NBWSC states it will serve Mr. Crook’s property if the Commission issues an order for it to do so.<sup>9</sup>

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<sup>1</sup> *Jonathan Crook's Appeal of the Cost of Obtaining Service from East Crawford Water Supply Corporation*, Docket No. 48676 (Sep. 11, 2018).

<sup>2</sup> *Jonathan Crook's Appeal of the Cost of Obtaining Service from East Crawford Water Supply Corporation*, Docket No. 48676, East Crawford’s Response to Appeal and Motion to Dismiss at 3 (Feb. 19, 2019).

<sup>3</sup> Complaint at 2.

<sup>4</sup> Complaint at 5.

<sup>5</sup> Complaint at 2.

<sup>6</sup> North Bosque Water Supply Corporation’s Response to Complaint of Jonathan B. Crook at 2 (May 30, 2019). (Response).

<sup>7</sup> Response at 2.

<sup>8</sup> *Id.* at 12.

<sup>9</sup> *Id.* at 13.

NBWSC also notes that it and ECWSC will be filing applications to amend their CCNs which might resolve this formal complaint, and the appeal against ECWSC.<sup>10</sup>

#### **VI. STATEMENT OF POSITION**

As established above, the Commission has jurisdiction over refusal of service complaints pursuant to 16 TAC § 24.157(b). Furthermore, Mr. Crook has met all of the requirements to bring his formal complaint under 16 TAC § 22.242. After reviewing the complaint filed by Mr. Crook and his response to Staff's Request for Information, as well as NBWSC's response, Staff believes that the facts in this case are in dispute, and that the evidentiary record needs further development. Accordingly, Staff recommends that this docket be referred to the State Office of Administrative Hearings for a hearing on the merits.

#### **VII. CONCLUSION**

Staff has confirmed that the requirements for informal resolution have been met and that the Commission has jurisdiction. Staff respectfully requests an order consistent with these findings.

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<sup>10</sup> *Id.* at 3.

Dated: July 8, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Rachelle Nicolette Robles  
Managing Attorney



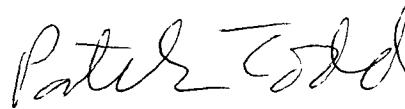
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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on July 8, 2019 in accordance with 16 TAC § 22.74.



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Patrick D. Todd