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COMPLAINT OF SWWC UTILITIES,  
INC., DBA WATER SERVICES, INC.  
AGAINST THE CITY OF BULVERDE  
AND SUE WAHL

§ PUBLIC UTILITY COMMISSION  
§ PUBLIC UTILITY COMMISSION  
§ FILING CLERK OF TEXAS  
§

**ORDER NO. 4  
REQUIRING ADDITIONAL BRIEFING FROM THE PARTIES**

In this matter, SWWC Utilities, Inc. dba Water Services, Inc. complains that it was ordered by the City of Bulverde to credit the account of one of Water Services' customers, Sue Wahl, in the amount of \$604.79. Commission Staff has recommended that the matter be referred to the State Office of Administrative Hearings (SOAH).

Before a referral can be made, the administrative law judge (ALJ) requires additional briefing from the parties. Water Services asserts that the Commission has jurisdiction to investigate the complaint under 16 Texas Administrative Code (TAC) § 22.242. Water Services asks the Commission to overturn the city's order directing Water Services to credit Ms. Wahl's account.

Under 16 TAC § 22.242,

[A]ny affected person may complain to the commission . . . setting forth any act or thing done . . . by any person under the jurisdiction of the commission *in violation or claimed violation of any law which the commission has jurisdiction to administer* or of any order, ordinance, rule, or regulation of the commission.<sup>1</sup>

In their complaint, Water Services makes it clear that its complaint is filed under 16 TAC § 22.242. It does not, however, cite to any law or rule giving the Commission the authority to overturn the city order about which it complains. For this reason, the ALJ orders as follows:

- Water Services must, by September 5, 2019, file briefing explaining why it believes the Commission has the legal authority to overturn the city order that is at issue in this complaint. The briefing must identify specific statutes and rules vesting the Commission with such authority.

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<sup>1</sup> Emphasis added.



- If the City of Bulverde or Ms. Wahl wish to provide their own briefing on this issue, they must do so by September 12, 2019.
- Commission Staff must provide its briefing on this issue by September 26, 2019.

Signed at Austin, Texas the 15<sup>th</sup> day of August 2019.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
**HUNTER BURKHALTER**  
**ADMINISTRATIVE LAW JUDGE**