

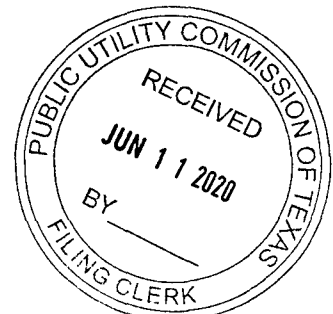


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**PUC DOCKET NO. 50367
SOAH DOCKET NO. 473-20-3820.WS**

**COMPLAINT OF CHAD SWAHN
AGAINST SHADY OAKS WATER
SUPPLY COMPANY, LLC**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

COMMISSION STAFF'S PROPOSED LIST OF ISSUES

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Proposed List of Issues in response to the Order of Referral. In support, Staff shows the following:

I. BACKGROUND

On December 16, 2019, Chad Swahn (Swahn) filed a complaint against Shady Oaks Water Supply Company, LLC (Shady Oaks) alleging overcharges for water service.

On January 13, 2020, the Administrative Law Judge (ALJ) in this case issued Order No. 2 giving Staff until January 24, 2020 to file a statement of position regarding the complaint and to determine whether Swahn complied with the requirements for informal resolution and consultation with the municipality in which the complainant may live, in accordance with 16 Texas Administrative Code (TAC) § 22.242(c) and (e).

On May 29, 2020 an Order of Referral was issued giving Staff until June 11, 2020 to file a list of issues. Therefore, this pleading is timely filed.

II. PROPOSED LIST OF ISSUES

Staff proposes the following issues be addressed in this docket:

1. Did Swahn begin using water at his property before April 25, 2019?
2. If Swahn began using water before April 25, 2019, how much water did he use?
3. If Swahn began using water before April 25, 2019, when did he begin using water?
4. If Swahn began using water before April 25, 2019, was the water meter at his property already on when he bought the property?
5. Did Swahn receive a bill for monthly usage in a manner consistent with Shady Oak's tariff?
16 TAC § 24.165(a).

6. Did Swahn receive notice that his water would be turned off in a manner consistent with Shady Oak's tariff? 16 TAC § 24.165(a).
7. How much did Swahn owe for actual water use from July 27, 2018 to April 25, 2019?
8. How much did Swahn owe for late fees accrued for water use from July 27, 2018 to April 25, 2019?
9. What evidence exists to show that Swahn owed \$800 as his final bill in September of 2019 states?
10. Was any other individual responsible for the water usage alleged by Shady Oaks for July 27, 2018 to April 25, 2019?
11. Was Swahn billed for service in accordance with 16 Texas Administrative Code (TAC) § 24.165?
12. Was Swahn provided proper notice of disconnection of service in accordance with 16 TAC § 24.167?
13. Did the utility determine that meter tampering occurred in accordance with 16 TAC § 25.169?
14. Did Swahn request that Shady Oaks test the accuracy of his water meter in accordance with 16 TAC § 24.169(d).
15. If Swahn requested a meter test, did Shady Oaks meet its obligations to perform a meter test? 16 TAC § 24.169(d)
16. If Swahn requested a meter test, did Shady Oaks perform the meter test in compliance with 16 TAC § 24.169(d)?
17. If Shady Oaks tested the accuracy of Swahn's meter, what were the results?
18. If Swahn did not request a meter test, what obligations did Shady Oaks have to evaluate the accuracy of the water meter?
19. If Swahn did not request a meter test, what actions, if any, did Shady Oaks take to evaluate the accuracy of the water meter?
20. What actions did Swahn take to evaluate the accuracy of the water meter?
21. Was the disputed bill calculated according to the rates included in Shady Oaks current tariff? 16 TAC § 24.165(a).

III. ISSUES NOT TO BE ADDRESSED

Staff has not identified any issues not to be addressed.

IV. CONCLUSION

Staff respectfully requests that this list of issues be among the issues considered by the Commission in this proceeding.

Dated: June 11, 2020

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on June 11, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Robert Dakota Parish
Robert Dakota Parish