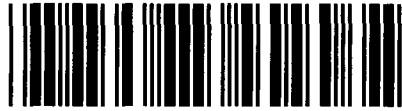


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COMPLAINT OF CHAD SWAHN
AGAINST SHADY OAKS WATER
SUPPLY COMPANY, LLC

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§

PUBLIC UTILITY COMMISSION
OF TEXAS

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COMMISSION STAFF'S STATEMENT OF POSITION

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Statement of Position. In support thereof, Staff would show 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). Thus, this pleading is timely filed.

II. COMPLIANCE WITH INFORMAL RESOLUTION PROCESS

Under 16 TAC § 22.242(c) a party filing a complaint must first present the complaint for informal resolution before they can present a formal complaint before the Commission. Further, under 16 TAC § 22.242(e) a complainant must, if they live within the limits of a city that has original jurisdiction, present the complaint to the city before presenting the complaint to the Commission. Swahn filed an informal complaint on September 18, 2019 with Complaint No. CP2019090958. The informal complaint was resolved on October 3, 2019 with the Commission's Customer Protection Division finding in favor of Swahn regarding his informal complaint. Thus, Swahn has met the requirements of 16 TAC § 22.242(c). Swahn does not live within the city limits of any municipality or city and thus 16 TAC § 22.242(e) does not apply to Swahn's complaint.

III. COMPLAINT

Swahn signed a formal contract with Shady Oaks on April 25, 2019 and paid a \$100 deposit to begin service.¹ Swahn alleges that he was charged for water usage by Shady Oaks that occurred before he began service with Shady Oaks.² This bill totaled \$328.34 for water usage from when Swahn bought the home on July 27, 2018, but had not begun receiving service from Shady Oaks until April 25, 2019.³ Swahn did not pay the \$328.34 that Shady Oaks alleged he owed and instead only paid what Swahn believed was his water usage.⁴ Swahn alleges this action led Shady Oaks to shut off his water service in September of 2019. After this, Swahn contacted Shady Oaks and was informed he still owed \$800 for previous service.⁵

IV. RESPONDENT'S RESPONSE

No written response to the formal complaint has been filed by Shady Oaks. Staff has contacted Shady Oaks on multiple occasions to inform it of the current proceeding. Further, Shady Oaks informed Staff that they would respond, but as of the date of this filing have not done so.

V. STAFF STATEMENT OF POSITION

Although Staff has spoken to Shady Oaks multiple times, no statement has yet been filed by Shady Oaks in the docket, which is necessary for Staff to state its position regarding the complaint. Staff recommends that Shady Oaks be given until January 31, 2020 to respond to the complaint. Further, Staff recommends that if Shady Oaks fails to respond by the above time that an order be issued requiring Shady Oaks to restore Swahn's service immediately and that Swahn not be required to pay Shady Oaks any bills, service costs, or water usage amounts incurred prior to the restoration of service that Swahn has not already been paid.

¹ Complaint of Chad Swahn against Shady Oaks Water Supply Company, LLC at 1.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

VI. CONCLUSION

Staff respectfully requests an order consistent with the foregoing request.


Dated: January 24, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Thomas S. Hunter
Division Director

Heath D. Armstrong
Managing Attorney

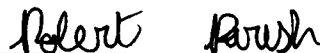


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DOCKET NO. 50367

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 24, 2020, in accordance with 16 TAC § 22.74.



Robert Dakota Parish