

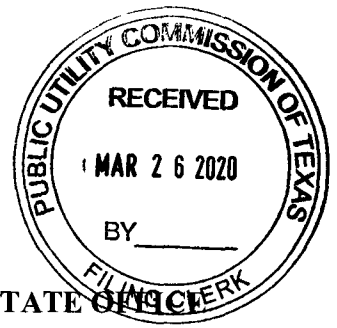


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**SOAH DOCKET NO. 473-20-3118.WS  
P.U.C. DOCKET NO. 50446**

**COMPLAINT OF TEXAS TYLER 31,  
LLC AGAINST THE CITY OF KEMP,  
TEXAS**

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§

**BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS**

**COMMISSION STAFF'S LIST OF ISSUES**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Staff's List of Issues and would show the following:

**I. BACKGROUND**

On January 13, 2020, Texas Tyler 31, LLC (Texas Tyler) filed a formal complaint with the Commission against the City of Kemp (Kemp) requesting that the Commission require;

“(A) a determination by the Commission to determine whether Complainant must upfront costs for an engineering study; (B) a determination of whether the manufactured home community intended to be built by Complainant may be submetered; (C) that the City of Kemp be ordered to provide bulk water and sewer services to the Complainant; (D) that the Commission determine the cost, if any, that Complainant should pay to the City of Kemp to procure such relief.”<sup>1</sup>

Texas Tyler filed this formal complaint pursuant to 16 Texas Administrative Code (TAC) § 22.242. On March 20, 2020, an Order of Referral was issued, referring the docket to the State Office of Administrative Hearings (SOAH). That order further gave all parties a deadline of March 26, 2020 to file a list of issues. Therefore, this pleading is timely filed.

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<sup>1</sup> Complaint of Texas Tyler 31, LLC against the City of Kemp (Complaint) at 2 (January 13, 2020).

## **II. PROPOSED LIST OF ISSUES**

Staff submits the following issues for consideration in this proceeding:

1. What are the proper procedures for requesting water service from the City of Kemp?
  - a. What physical forms are available to request service and where can they be obtained?
  - b. Where are physical forms to be submitted to request service?
  - c. Where are electronic forms available to request service?
  - d. How are electronic forms submitted to request service?
2. Once a water service request is made, what are the procedures the City of Kemp has in place including:
  - a. How to process the application?
  - b. Who reviews the application?
  - c. What procedures are used to review the application?
  - d. What factors are used to review the application?
  - e. Who determines whether an application for service is approved or denied?
  - f. What additional requirements may be placed on an applicant to receive approval for service?
  - g. What fees may an applicant have to pay to receive approval for service?
3. Did Texas Tyler comply with any of these requirements in Question 2?
4. What is the City of Kemp's requirements regarding metering manufactured homes?
5. Did Texas Tyler's request for a single tap and master service meter comply with the City of Kemp's requirements?
6. Who did Texas Tyler contact each time they requested service?
  - a. What was the response Texas Tyler received to those requests?
7. Is there a designated person or department that Texas Tyler should have contacted to request service that they did not contact?
8. Did the City of Kemp have an issue with the development of a manufacture home community?
9. What platting and land development regulation issues, as discussed by the City of Kemp, are at issue with the development of the manufactured home community?

10. What documentation has not been provided, as alleged by the City of Kemp, that is needed for a land study and plat approval.
11. What City Ordinances did Texas Tyler follow or fail to follow in requesting service?
12. What would the City of Kemp require to begin service for Texas Tyler?

### **III. ISSUES NOT TO BE ADDRESSED**

Staff has not identified any issues not to be addressed.

### **IV. CONCLUSION**

Staff respectfully requests the entry of a Preliminary Order consistent with the issues proposed above.

Dated: March 26, 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 March 26, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Robert Dakota Parish  
Robert Dakota Parish