



Control Number: 50902



Item Number: 4

Addendum StartPage: 0



PUC DOCKET NO. 50902

COMPLAINT OF SHARWAT QUAZI	§	BEFORE THE
	§	
AGAINST CHELFORD CITY	§	PUBLIC UTILITY COMMISSION
	§	
MUNICIPAL UTILITY DISTRICT	§	OF TEXAS

CHELFORD CITY MUNICIPAL UTILITY DISTRICTS
RESPONSE TO COMPLAINT

A. JURISDICTION

Chelford City Municipal Utility District (the “District”) is a municipal utility district authorized under Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code. The District is a political subdivision of the State of Texas and is not subject to regulation by the PUC. Instead, the Texas Commission on Environmental Quality (“TCEQ”) is responsible for oversight of the District. *See* <https://www.puc.texas.gov/consumer/complaint/UtilitiesNot.aspx>. The PUC is without jurisdiction or authority to adjudicate the Complaint. Accordingly, the Complaint against the District should be dismissed.

B. NOTICE

The undersigned counsel did not receive actual notice of this Complaint or Order No. 1. Counsel was made aware of Docket 50902 through correspondence with Counsel for the Public Utility Commission.

C. FACTUAL ALLEGATIONS

Notwithstanding the PUC’s lack of jurisdiction over this matter, and the lack of direct notice regarding the Complaint, the District generally and specifically denies the allegations contained in the Complaint. By way of factual background, the complainant received a construction permit for a

Chelford City MUD’s Response to Complaint

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commercial property located at 15831 Bellaire Boulevard (the “Property”) in 2014. On information and belief, a temporary water meter was installed at the Property on or about June 11, 2014 for use with construction-related activities. The meter was turned off on January 13, 2015 because of account delinquency. On January 20, 2015, the meter was checked, and the customer had turned it on. It was again turned off. *See* Attachment A. Service was finally disconnected in June 2015 due to lack of payment and the meter was physically locked. *See* Attachment B. Since that time, the Property has failed inspection by the District and the Harris County Engineering Department because of lack of adequate drainage in the parking lot. The District’s engineer recommended in 2016 that a permanent meter not be installed until the Property passes inspection. *See* Attachments C. Also since that time, the complainant continued to receive a minimum monthly bill in connection with its stand-by service. The meter was finally pulled on December 5, 2019, again, for lack of payment. *See* Attachment D. The property has been, and remains vacant, since construction began. The property is not eligible for service until its drainage issues are resolved, and the Complaint should, therefore, be dismissed.

Finally, the Complaint should be dismissed because it is untimely. The Complaint was filed on or about March 31, 2020 even though the Property had not received water service since June 2015 and had not had a meter for almost four months.

D. CONCLUSION

For the above-reasons, the District requests that the Complaint against it be dismissed.

Respectfully submitted,

COATS | ROSE

By:



Natalie B. Scott
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2700 Via Fortuna, Suite 350
Austin, Texas 78746
(512) 469-7987 Telephone
(512) 469-9408 Telecopier

**ATTORNEY FOR CHELFORD CITY
MUNICIPAL UTILITY DISTRICT**

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of June, 2020, a true and correct copy of this document was served on all parties of record in this proceeding by electronic mail and by filing on the PUC Interchange System.

Sharwat Quazi
13127 Sleepy Creek Meadows
Houston, Texas 767083
Email: tina.quazi@hotmail.com

Megan Chalifoux
PUC – Legal Division
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
Email: Megan.Chalifoux@puc.texas.gov



Natalie B. Scott

Chelford City MUD's Response to Complaint

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ATTACHMENT “A”

WorkOrder: 209466 Date: 01/20/15 Project: 1

District Code: 106

Original Problem: #CHECK STATUS OF TURN OFF-PULL
Customer Name: FAROQUE QUAZI

OPERATIONS

Status: CLOSED

Closed Date: 01/21/15

Phone: () -

Service Address: 15831 BELLAIRE BLVD**Description of Repairs**

CHECKED STATUS OF TURN OFF. FOUND METER ON, LOCKED OUT

READ 16.0

Labor

Item	Name	Skill	Hours	Rates	Bill
1	Lupe Flores	Certified Operator	0.50	31.09	15.55
Total Labor					\$15.55

Equipment

Item	Equipment	Mileage	Hours	Rates	Bill
1	Service Truck		0.50	15.55	7.78
Total Equipment					\$7.78

Material

Item	Description	Quantity	Unit Price	Bill
1	LOCK BREAKAWAY 197	1.00	7.82	7.82
Total Material				\$7.82

**** Total Job Charges ******\$31.15**

01/21/15

ATTACHMENT “B”

WorkOrder: 245591 Date: 06/17/15 Project: 1

District Code: 106

Original Problem: #TURN WATER OFF-DELINQUENT ACC
Customer Name: FAROQUE QUAZI

OPERATIONS

Status: CLOSED

Closed Date: 06/18/15

Phone: () -

Service Address: 15831 BELLAIRE BLVD**Description of Repairs**

TURNED WATER OFF & TAGGED DOOR. / READ=27.0

** Total Flat Charge:

\$20.78**

** Total Job Charges **

\$20.78

06/18/15

ATTACHMENT “C”



June 10, 2014

Mr. Faroque Quazi
13127 Sleepy Creek Meadows
Houston, Texas 77083

Re: 15831 Bellaire Blvd.
Houston, Texas 77083

Dear Mr. Quazi:

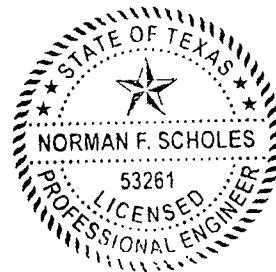
As engineers for Chelford City Municipal Utility District (the "District"), we reviewed and approved the design drawings for the proposed Taqueria on the southeast corner of the intersection of Bellaire Blvd. and La Entrada Drive in the District.

This letter certifies that the District has water plant capacity, wastewater treatment plant capacity plus water line and sanitary sewer line transmission capacity to handle the flows from this tract.

Should you need any additional information from the District to obtain your Harris County Building permit please call the undersigned.

Sincerely,

Norman F. Scholes, P.E.
Chelford City MUD Engineer
Van De Wiele & Vogler, Inc.
TBPE Registered Firm No. F-148



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March 29, 2016

Mr. Faroque Quazi
13127 Sleepy Creek Meadows
Houston, Texas 77083
(by Certified Mail RRR #70151730000193540903 and regular mail)

Re: 15831 Bellaire Blvd.
Houston, Texas 77083

Dear Mr. Quazi:

As engineers for Chelford City Municipal Utility District (the "District"), we observed the concrete parking lot in front of the strip center at 15831 Bellaire Blvd.

The concrete appears not to be built per plan, in that the parking lot is supposed to store water during a rain event and release the water slowly onto Bellaire Blvd. The approved plans are enclosed with this letter.

We required you to have an as-built survey made of the existing parking lot by a licensed surveyor. If the parking lot does not perform as designed, your engineer must provide a solution to detain the water.

Should you have any questions about this letter please do not hesitate to call the undersigned or email me at nscholes@vandewiele-eng.com.

Sincerely,

Norman F. Scholes, P.E.
Chelford City MUD Engineer
Van De Wiele & Vogler, Inc.
TBPE Registered Firm No. F-148
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xc: Directors – by email
Dick Yale – by email
Jack Tulloch – by email
file



03/07/2016 05:42 PM

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January 24, 2017

Mr. Faroque Quazi
13127 Sleepy Creek Meadows
Houston, Texas 77083
(by email and regular mail)

Mr. Henry E. Segura, P.E.
2500 Strawberry Road
Pasadena, TX 77502
(by email and regular mail)

Re: Detention Volume Confusion
15831 Bellaire Blvd.
Houston, Texas 77083
Chelford City Municipal Utility District

Dear Mr. Quazi and Mr. Segura:

As engineers for Chelford City Municipal Utility District (the "District"), the undersigned went over the considerable correspondence about the referenced property to find out where the confusion occurred in the amount of detention required for the tract.

From the beginning, the amount of detention required was the amount shown on the plans drawn by Henry. E. Segura, P.E. approved by the undersigned on October 3, 2013. The detention required was .5110 acres times .75 ac-ft/ac, or a total of .38325 acre-feet, or 16,770 cubic feet ("cu. ft.").

That is the standard amount of detention required by Chelford City MUD at the time the plans were approved in 2013.

It appears the confusion occurred when Mr. Quazi hired Prisciliano Martinez of MTZ CAD Services, Inc. On October 3, 2016 at 10:31 a.m. Prisciliano Martinez sent me an express review sheet (copy enclosed) that shows Mr. Segura's seal from 2005 **but the drawing was altered from the approved 2005 plan (also enclosed).** The X was taken out of Paragraph 3. SITE DRAINAGE at the top of the page. The sheet now says the detention required is .5110 acres times 0.65 acre-feet = .1698 acre feet of detention required. **This is a bad math calculation.**

The email I sent out on October 4, 2016 referred to the .1698 acre-feet that is shown **on the revised plan that I never approved.** I did not take the time to see if the plan was the same as the originally approved plan. It was not. In that email I objected to

Prisciliano Martinez's statement that zero detention was required, and referred to the number on the sheet sent to me. That number 7,397 cu. ft. as shown on my email and quoted from this altered sheet is a bad number and is NOT to be used as an approved volume of detention for this tract.

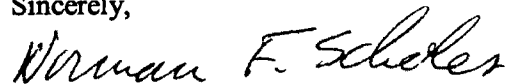
I recently stated that I am in agreement with the January 2, 2017 calculation by the small watershed method Henry Segura is now using to calculate the detention, but I am NOT in agreement that the detention volume should be held to the incorrectly calculated 7,397 cu. ft. That volume of detention results in a 25-year storm detention as noted by Mr. Segura. The detention must be for a 100-year rainfall event. More detention will be required than what is shown on Mr. Segura's revised plan.

The District cannot allow this tract to have detention for a 25-year rainfall event when the other tracts down the street are today installing 100-year detention. Using 25-year storm detention would set a precedent that the District will not allow.

I ask that Mr. Segura confirm whether the 2005 plan was altered with his permission. If the plan was revised by Mr. Segura in error, he should revise the error in accordance with the new calculation.

Should you have any questions about this letter please do not hesitate to call the undersigned or email me at nscholes@vandewiele-eng.com.

Sincerely,



Norman F. Scholes, P.E.
Chelford City MUD Engineer
Van De Wiele & Vogler, Inc.
TBPE Registered Firm No. F-148

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xc: Chelford City MUD Directors – by email
Dick Yale – by email
Jack Tulloch – by email
file

June 13, 2019

Mr. Faroque Quazi
13127 Sleepy Creek Meadows
Houston, Texas 77083
(by email and regular mail)

Re: 15831 Bellaire Blvd.
Houston, Texas 77083
Chelford City Municipal Utility District

Dear Mr. Quazi:

As engineers for Chelford City Municipal Utility District (the "District"), the undersigned was in the District and observed interior construction underway at the referenced location.

I entered the building, observing that the expired building permits from 2014 and 2015 are still posted.

A Mexican lady who could barely speak English was inside the building constructing shelves. Some shelves are up with automobile oil and other products stocked on the shelves.

I attempted to explain to her that she will not be able to receive water and sewer service until the concrete parking lot is rebuilt. I believe she did not understand. I left my card and asked her to have her daughter call me so I could explain to her what is going on with your property. To date I have not received a call.

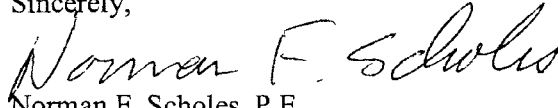
This woman is under the misconception that she will be able to open the space she is leasing from you within two weeks. This is not correct.

We strongly recommend that you rectify your parking lot issue so the lady can obtain water and sewer service. If you do not do this, she is throwing her money away finishing the building interior.

Mr. Faroque Quazi
June 13, 2019
Page 2

Should you have any questions about this letter please do not hesitate to call the undersigned or email me at nscholes@vandewiele-eng.com.

Sincerely,



Norman F. Scholes, P.E.
Chelford City MUD Engineer
Van De Wiele & Vogler, Inc.
TBPE Registered Firm No. F-148

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xc: Chelford City MUD Directors – by email
Dick Yale – by email
Susan Stebbins – by email
file

ATTACHMENT “D”

WorkOrder: 721225 Date:12/05/19 Project: 2

District Code: 106

Original Problem: #PERFORM WORK ON WTR DISTR SYS MAINTENANCE
Customer Name: SHARWAT, QUAZI

Status: CLOSED

Closed Date: 12/06/19
Phone: 8322935873**Service Address: 15831 BELLAIRE BLVD****Description of Repairs**

12/6 REMOVED 2" METER, TAGGED, AND TOOK BACK TO SHOP UNTIL NEEDED

Labor

Item	Name	Skill	Hours	Rates	Bill
1	Manny Martinez	Crew Member	3.00	32.06	96.18
2	Zachery Jones	Foreman	3.00	44.20	132.60
Total Labor					\$228.78

Equipment

Item	Equipment	Mileage	Hours	Rates	Bill
1	Service Body Truck		3.00	33.15	99.45
Total Equipment					\$99.45

Material

Item	Description	Quantity	Unit Price	Bill
1	PHOTO	2.00	2.00	4.00
2	EXPENDABLES	1.00	5.00	5.00
Total Material				\$9.00

**** Total Job Charges ******\$337.23**

12/06/19