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June 28, 2020

DOCKET #50969

Creighton McMurray
Public Utility Commission of Texas
1701 N. Congress Avenue
PO Box 13326
Austin, Texas 78711-3326



RE: FRAUDULENT INFORMATION PROVIDED IN WATERCO CCN APPLICATION

Mr. McMurray,

This information is provided in protest to the CCN application, which appears to be once again an "exempt application" by James Nelson, owner of Waterco, public water service provider for Nocona Lake Estates in Montague County, Texas.

James Nelson provides once again false information regarding the number of connections.

Well #1 Walnut St.	
Bradley/Jennifer Paige	188 Oak St.
Mike Boore	248 " "
Kathy Dickerson	256 " "
Janice/Toni Frost	255 " "
Leon Burtlow	237 Walnut St.
Vern Malone	236 Lake St.
Ret/Glen Thomas	221 Lake St.
Mike Andrades	161 Lake St.
Timothy Bean (Temporary)	179 Oak St. (has his own Well?) <u>will discontinue</u>
Well #2 Keck St.	
Jennifer/Shane Pritchett	122 Keck St.
Tonya/Marcia Danforth	132 Keck St.
David/Henrietta Luva	148 Keck St.
Judy Boldue	150 Keck St.
Susie Barnes	154 Keck St.

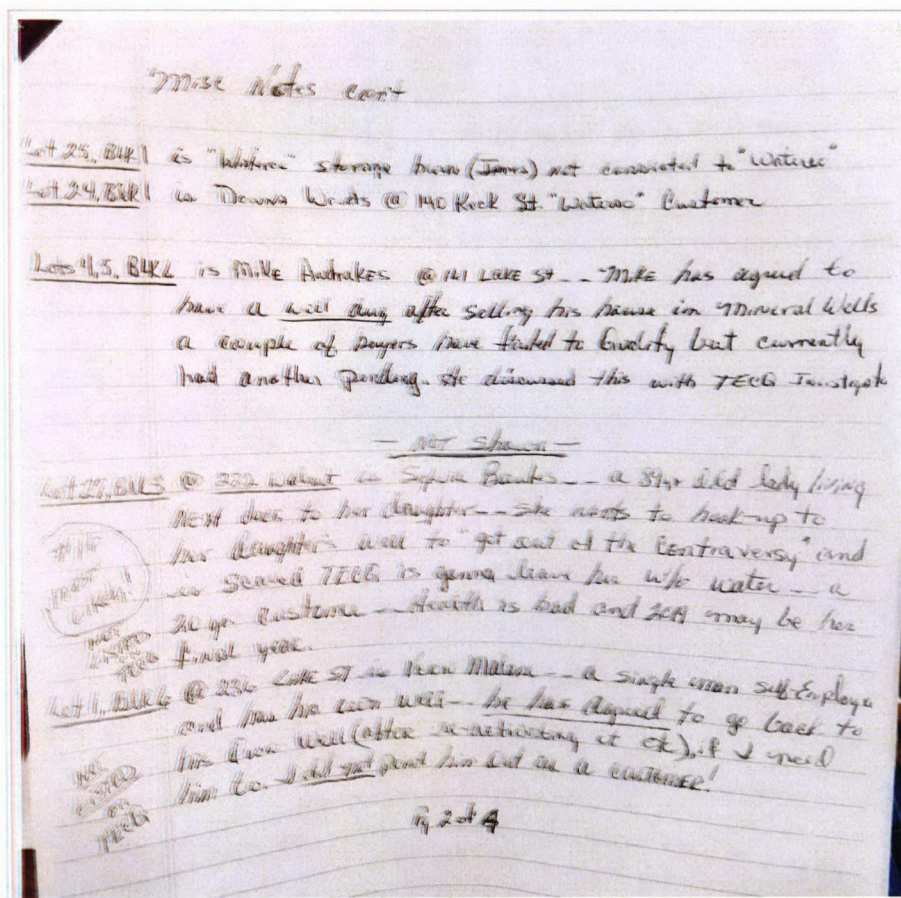
The resident at 140 Keck Street has a court date on July 8, 2020 with James Nelson for an eviction notice. This is Nelson's rent-to-own property as well as the location of the Keck Street well. This eviction process is similar to the actions Art and Becky Bolduc experienced once

they sale of the Keck Street Well was considered void due to Nelson did not transfer the title of the well to the Bolduc in the sale process. See Dockets #48039 and 48040.

Ray and Margie Debores connection has been removed from this list. They are a rent-to-own property of Nelson's at 142 Walnut Street which Gloria Moore has reported there is no well on this property. Ray is known to do whatever Nelson asks of him. Ray is financially tied to Nelson with this property.

Once again, Nelson manipulates the number of connections as he see fits - or as some say - the number of Nelson's connections depends on which way the wind is blowing that day.

Here in Nelson's own handwriting he describes not reporting Vern Malone's connection to TCEQ and yet here on this list we find Vern Malone appearing again.



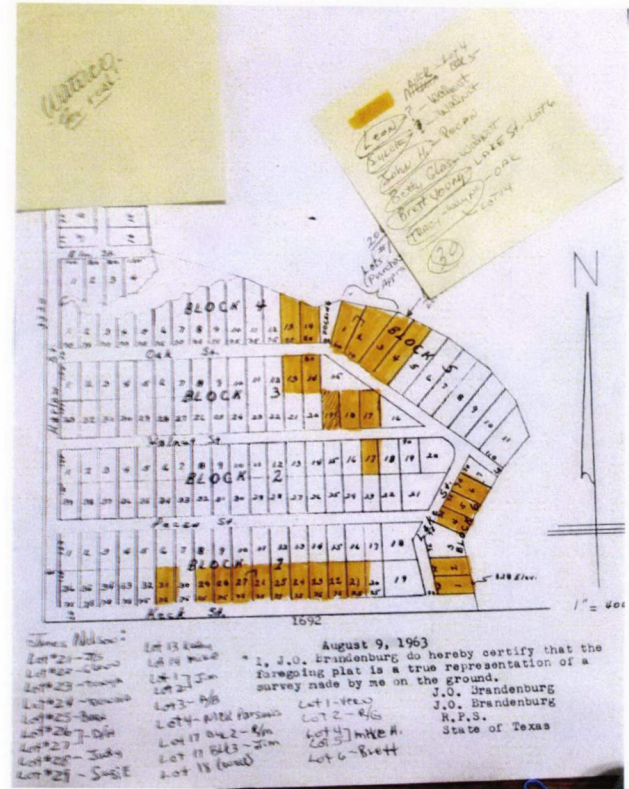
This document is a note to his attorney and has been provided by Gloria Moore.

You will also see 222 Walnut Street connection. I spoke to the heirs of this estate. There are two connections with these people. The daughter continues to maintain this connection and the house next door. These people know nothing of what is going on with Waterco. Nelson himself shows these connections in a map he created. These connections are shown in Map 1 however are deleted in Map 2.

MAP 1



MAP 2



Mr. Nelson also states he has not had any requests for water service. This is somewhat false. Waterco does have a connection at 178 Oak Street. I spoke with Mr. Parson's on 12.9.2019, and he mentioned Nelson refused to provide him with service in order to keep the water

Has the Applicant received any requests for service within the requested area?

☐ Yes* ☒ No *Attach copies of all applicable requests for service and show locations on a map

Is there existing or anticipated growth in the requested area?

☐ Yes* ☒ No *Attach copies of any reports and market studies supporting growth

A. Will construction of any facilities be necessary to provide service to the requested area?

☐ Yes* ☒ No *Attach copies of TCEQ approval letters

B. Dune Plans & Specifications or Discharge Permit App. submitted to TCEQ: _____

connections low. I reported this to TCEQ on 12.9.2010. Parsons has made it known to me, he wants my property and or water from my property in order to not do business with Nelson.

Nocona Lake Estates has many opportunities to bring in new residents. Several lots and homes are up for sale. As long as this problem with WATERCO hangs over Nocona Lake Estates, our community will not be able to grow due to not having proper infrastructure in place for growth.

Nelson check the box regarding any enforcement action by the Commission, TCEQ, Texas Department of Health or the Office of the Attorney General, or the Environmental Protection Agency in the past 5 years. However, Nelson failed to provide any attachments regarding these complaints.

16. Has the Applicant been under an enforcement action by the Commission, TCEQ, Texas Department of Health (TDH), the Office of the Attorney General (OAG), or the Environmental Protection Agency (EPA) in the past five (5) years for non-compliance with rules, orders, or state statutes?

☒ Yes* ☐ No

* Attach copies of any correspondence with the applicable regulatory agency concerning any enforcement actions, and attach a description of any actions or efforts the Applicant has taken to comply with these requirements.

Here is information from TCEQ on the Status of WATERCO.

Water System Detail			
Water System Number:	TX0800028	Water System Name:	WATERCO
Principal County Served:	MONTAGUE	Principal City Served:	
Population:	20	System Type:	C
System Status:	IA	Activity Date:	02-28-2010
System Recognition:	IND/DWTA		

Water System Contacts			
Type	Contact	Phone Type	Station
AC - Administrative Contact	NELSON, JAMES L. 200 WALK ST NOCONA, TX 78055-4007	MOBILE - Wireless	761-8-756-7662

Sources of Water			
Name	Type	Activity	Availability
2 - 040-KECK ST / UNAPPROVED	WEL	IA	IF
11 - 040-KECK ST / UNAPPROVED	WEL	IA	IF

Source Water Percentages			
Surface Water	Ground Water	Ground Water (TDR)	Other
0	0	0	0

Water Purchases			
Water System / Treatment Status	No Water Purchases		

Buyers of Water			
Water System / Population / Availability (blank, (S)easonal, (E)mergency, (I)nterim, (P)ermanent, (O)ther	No Buyers		
Total Population Served = 20	Total Population Served included ALL active connections, including emergency.		

Annual Operating Period(s)			
Effective / Begin Date	Effective / End Date	Start Month/Day	End Month/Day
10/20/2010	06/01/2011	10/1	06/1

You will see TCEQ recognizes 20 connections. No buyer at this time for Waterco. Should you click on the links for violations and enforcements you will find many violations for failure to monitor the water properly, failure to notify the consumers and public about the BOIL WATER NOTICE. TCEQ representatives had to come out personally and hand the BWN's out. You will also find Total Coliform was found in the Keck Street Well water.

Here is the current enforcement action: It is my understanding the TCEQ enforcement action is in litigation. The Settlement Offer was terminated due to Nelson's inaction towards meeting the expectations of TCEQ.

TCEQ Case Number: 58388

Enforcement Type: ADMINISTRATIVE ORDER

Program: PWS

TCEQ Docket Number: 2019-1410-PWS-E

Respondent Name: NELSON, JAMES L.

Respondent Number: CN605629484

Regulated Entity:

Name: WATERCO

Number: RN110702339

SIC Code: Not available

Type of Business: Not available

City: Not available

County: MONTAGUE

TCEQ Region: REGION 03 - ABILENE

Action Description: Initial Screening Date

Action Date: 09/30/2019

Here is the case number for the Total Coliform issue with the Keck Street well. It is my understanding this case has been submitted to the EPA.

TCEQ Case Number: 57439	
Enforcement Type:	REFERRAL
Program:	PWS
Respondent Name:	Respondent Number:
NELSON, JAMES L	CNS05629484
Regulated Entity:	
Name:	WATERCO
Number:	RN210702339
SIC Code:	Not available
Type of Business:	Not available
City:	Not available
County:	MONTAGUE
TCEQ Region:	REG004 03 - ABILENE
Action Description:	Action Date:
Initial Screening Date	04/01/2020

This portion of the application is laughable knowing the Total Coliform in the Keck Street well and the numerous violations and the make shift septic construction which has caused the Total Coliform problem on Keck Street. At this point, it is clear Nelson will never take responsibility for properly providing Nocona Lake Estates with a water service in compliance with the State of Texas.

Part C: CCN Obtain or Amend Criteria Considerations
14. Describe the anticipated impact and changes in the quality of retail utility service for the requested area:
NONE/UTILITY SERVICE HAS EXISTED 20yrs without a problem!

Nelson did submit an application for EXEMPT STATUS in the Docket #47411. However, he was instructed to submit in a separate docket which resulted in Docket #48039 and 48040. These applications were WITHDRAWN by Nelson and Bolduc.

I could go on further about the discrepancies in this application however, I know for a fact there has been sufficient investigation by TCEQ to dispute the number of connections reported here in this application.

At this time, I request from PUC of Texas Staff to "lean in" and find a way forward for Nocona Lake Estates in Montague County, Texas. Nelson has proven he will go to great lengths to avoid bringing his water service to the standards set forth by the State of Texas. Waterco has had 3 years to make an honest attempt at applying for a CCN, and yet he chooses not to. This is not acceptable. Expecting the community of Nocona Lake Estates to endure this type of non-management of WATERCO is inhumane.

At this time, I request a CEASE & DESIST on any further delay tactics by WATERCO owner, James Nelson. It is time for PUC to step up and hold WATERCO owner James Nelson, accountable for not operating in compliance with the PUC of TEXAS and for submitting inadequate applications, for complete disregard of the PUC Commission staff request in Docket 49532, and for submitting fraudulent information regarding the number of connection - again.

Respectfully,

Tammy Bean
179 Oak Street
Nocona, Texas 76255