



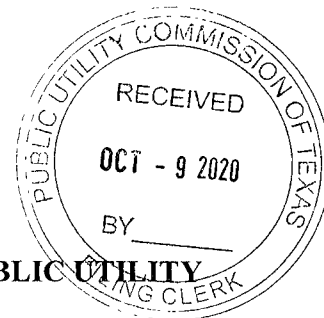
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**PUC DOCKET NO. 51091
SOAH DOCKET NO. 473-21-0246.WS**



**COMPLAINT OF RIO ANCHO §
HOMEOWNERS ASSOCIATION §
AND DAVID AND DOREEN MEYERS §
AGAINST AQUA TEXAS, INC. §**

**BEFORE THE PUBLIC UTILITY
COMMISSION OF TEXAS**

**COMPLAINANTS' STATEMENT OF POSITION
AND ISSUES TO BE ADDRESSED**

NOW COME Complainants, the Rio Ancho Homeowners Association and David and Doreen Meyers (“Complainants”), and file their Statement of Position and Issues to be Addressed as required by the Public Utility Commission’s (“PUC”) Order of Referral. Complainants are customers of Aqua Texas, Inc. (“Aqua”), which operates the public water supply system that serves the approximately 157 homeowners and the homeowners association with potable water. The system does not serve any other customers. All of the homes are located on lots much larger than a typical subdivision.

Aqua has failed to maintain required minimum pressure on dozens of occasions in the past and complete loss of service on a regular basis each summer for years. In 2019, Complainants engaged this firm and an engineering firm to advise them concerning the cause of these service inadequacies and what can be done to remedy the deficient service. An engineering report outlining the system’s inadequacy was provided to Aqua. Aqua agreed to make some, but not all of the improvements, which were completed in the spring of 2020. Despite these improvements, residents of Rio Ancho experienced numerous episodes of low water pressure and loss of Service. Aqua’s improvements were insufficient to address the system’s inability to maintain pressure during times of peak demand.

PUC Rule 24.205 obligates water utilities to:

“... plan, furnish, operate and maintain production, treatment, storage, transmission, and distribution facilities of sufficient size and capacity to provide a continuous and adequate supply of water for all reasonable consumer uses.”

Rule 24.205(1) then cites the Texas Commission on Environmental Quality (“TCEQ”) minimum standards for determining the sufficiency of water service, minimums which the Aqua system in Rio Ancho meet. But Rule 24. 205(1) goes on to provide that:

“Additional capacity shall be provided to meet the reasonable local demand characteristics of the service area, including reasonable quantities of water for outside usage and livestock.”

The primary issue in this proceeding is whether Aqua has met this requirement. The second issue is what system improvements need to be made to bring the system up to the above standard.

In addition to these issues, Complainants complain that Aqua has improperly implemented its approved drought contingency plan, not because of drought, but instead to suppress consumption to avoid the system failures which are the inevitable consequence of their unwillingness to meet the reasonable requirements of its customers in Rio Ancho. Complainants seek an order from the PUC prohibiting Aqua from implementing its drought reduction plan except when the region is actually experiencing drought.


Aqua has consistently blamed system failures on excessive and/or wasteful outdoor landscape watering. This issue will also be before the Commission. Aqua will argue that the system serving Rio Ancho exceeds TCEQ minimum standards, which it does. The problems are caused by the Aqua system’s inability to meet the additional capacity requirements necessary to meet the reasonable local demand characteristics of the service area.

In summary, the issues in this docket are:

1. Has the Aqua water system serving the Rio Ancho customers suffered low or loss of pressure on numerous occasions?

2. Are the failures of the Aqua water system serving the Rio Ancho subdivision caused by inadequate facilities necessary to meet the reasonable and well-known local requirements?
3. What system improvements need to be accomplished by Aqua to meet this requirement?
4. Is the demand placed on the Aqua system reasonable or is it excessive and wasteful?
5. Can Aqua impose drought restrictions on Rio Ancho customers when the area is not experiencing drought conditions?

Respectfully submitted,



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ATTORNEYS FOR COMPLAINANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served on counsel for Aqua Texas, Inc., as required by order or in accordance with 16 TEX. ADMIN. CODE § 22.74, on this 9th day of October, 2020, as follows:

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A handwritten signature in black ink, appearing to read "Russell S. Johnson", written over a horizontal line.

Russell S. Johnson