



Filing Receipt

Received - 2022-02-25 10:58:14 AM
Control Number - 51091
ItemNumber - 83

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

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

§
§
§
§
§

**BEFORE THE

PUBLIC UTILITY COMMISSION

OF TEXAS**

COMPLAINANTS' REQUEST FOR ORAL ARGUMENT

Complainants, Rio Ancho Homeowners Association and David and Doreen Meyers (“Complainants”) respectfully submit this Request for Oral Argument concerning their Exceptions to the Proposal for Decision recommended by SOAH Administrative Law Judge Christiaan Siano (“ALJ”) on January 7, 2022, concerning the threshold legal and policy issues briefed by the parties in this proceeding.

The issues raised by this Complaint are, as noted by the ALJ, matters of first impression before the Public Utility Commission (“PUC”) concerning the law and PUC Rules requiring that water utility systems be constructed to provide continuous and reliable service to meet the normal, reasonable demands of its customers and the permanent imposition of drought management plan restrictions on water use to prevent chronic system failures.

The ALJ has concluded, erroneously, that higher than “average” water usage is unreasonable – even though the use is beneficial without waste – and therefore chronic failure of the system to maintain continuous and reliable service is acceptable. The ALJ further erred in approving the utility’s fulltime, permanent imposition of restrictions on use under its drought management plan solely to avoid chronic system failures due to the system’s inability to supply known peak demand.

Both of these precedents are contrary to the legal obligation of water utilities to provide continuous and reliable service, PUC Rules and the public interest. Adopting the Proposal for Decision would abdicate the PUC's duty to protect utility customers and allow utilities to avoid making needed system improvements based upon the utility's conclusion that its customers' usage is too high and that utilities can impose drought plan restrictions to meet normal customer demand.

WHEREFORE, PREMISES CONSIDERED, Complainants respectfully request that the Commission grant this request for oral argument.

Respectfully submitted,



Russell S. Johnson
State Bar No. 10790550
MCGINNIS LOCHRIDGE LLP
1111 West 6th Street
Building. B, Suite 400
Austin, Texas 78703
Phone: (512) 495-6180
Fax: (512) 505-6380
rjohnson@mcginnislaw.com

ATTORNEYS FOR COMPLAINANTS
RIO ANCHO HOMEOWNERS ASSOCIATION,
ET AL.

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 25th day of February, 2022, as follows:

Phillip Lehmann
Public Utility Commission of Texas
Legal Division
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
phillip.lehmann@puc.texas.gov

Geoffrey P. Kirshbaum
Terrill & Waldrop
810 W. 10th Street
Austin, Texas 78701
gkirshbaum@terrillwaldrop.com

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

Russell S. Johnson