



## Filing Receipt

**Received - 2021-09-15 03:24:25 PM**

**Control Number - 51488**

**ItemNumber - 41**

**DOCKET NO. 51488**

<b>APPLICATION OF CHESTER MAPLES</b>	<b>§</b>	<b>BEFORE THE</b>
<b>DBA OLD HIGHWAY 90 WATER</b>	<b>§</b>	
<b>SERVICE TO AMEND A CERTIFICATE</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>OF CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>MEDINA AND FRIO COUNTIES</b>	<b>§</b>	<b>OF TEXAS</b>

**OLD HIGHWAY 90 WATER SERVICE'S RESPONSE TO ORDER REQUESTING  
LISTS OF ISSUES**

Item No. 35, Order Requesting Lists of Issues, filed under Docket No. 51488 by Public Utility Commission (PUC) on September 9, 2021 requests list of issues from Old Highway 90 Water Service for the Commission's Open Meeting regarding this Application, currently scheduled to convene on September 23, 2021. Thus, Old Highway 90 Water Service identifies the following issues:

1. First and foremost, Old Highway 90 Water Service is requesting that the September 23, 2021 Open Meeting be rescheduled as both Chester and Cheryl Maples will be out of the country from September 18<sup>th</sup> to the 26<sup>th</sup> and will again be available after September 26, 2021 and would like the opportunity to be available for this Open Meeting. Old Highway 90 Water Service has reached out and left several voicemails as well as an email sent September 10, 2021 to PUC Commissioner Mr. Stephen Journeay in regards to this request.
2. On August 25, 2021, Yancey WSC filed a response to the Letter written by Beau King, Manager of NAFTA Freeway Joint Venture, ("Developer"). Throughout this list of issues, this response from Yancey WSC will be referred to as "Item No. 37" as this is the corresponding Item Number for the response listed under Docket #51488. In this response, Yancey WSC states that they "expended thousands of dollars in preliminary planning and consulting in order to serve the Sand Hurst Subdivision." Old Highway 90 Water Service was informed by Developer that NAFTA Freeway Joint Venture paid Yancey WSC to do an analysis of what would be required for Yancey WSC to serve the Sand Hurst Subdivision. What expenses did Yancey WSC incur which were not paid for by the Developer?

3. Developer has made clear to the PUC that they “will never deal with Yancey Water Supply Company again” and that “Sand Hurst will be cancelled and not be completed” if Developer is required to obtain public water service from Yancey WSC. Yancey WSC stated that they have “justiciable interest” in this case, describing in their Motion to Intervene that their company “desires to provide service to the proposed Sand Hurst Subdivision,” it stands to question what justiciable interest could possibly remain if there is no possibility of the Developer allowing Yancey WSC to serve this subdivision.
4. On June 21, 2021, Yancey WSC filed their Motion to Intervene, in which they state that “YWSC’s existing facilities have the capacity to serve the entire Sandhurst Subdivision.” Even if this were technically true from a capacity-only standpoint, this statement bears little weight when the fact is that these existing facilities are approximately 5 miles from the requested area. Yancey WSC is proposing to install a standalone system just as Old Highway 90 Water Service is requesting to do. Yancey WSC provided the Developer with a quote to install a standalone system, totaling \$490,515.00 for the facilities alone, **but appears to have neglected to include an estimate for the distribution system.** This estimate is \$173,261.00 more than MGMC, LLC’s cost estimate to install the entire standalone system for Old Highway 90 Water Service to serve, and Yancey WSC’s quote does not even include the distribution system. Even looking at these costs alone, Yancey WSC is not an economically feasible option to provide water service to the Sand Hurst Subdivision.
5. In Item No. 37, Yancey WSC also slings several insults, practically slandering Old Highway 90 Water Service, Chester L. Maples Jr., and the Developer by referring to the application as a “scheme” and calling the parties they oppose “unprofessional” and “unsophisticated.” These statements are completely unfounded, irrelevant, and serve absolutely no purpose other than to personally insult the parties Yancey WSC opposes. Yancey WSC even goes so far as to accuse Old Highway 90 Water Service and the Developer of “looking to make a quick buck by cutting corners and skirting mandatory regulatory standards, before bolting to the next project and escaping the accountability of the public.” Yancey WSC attempts to establish this rhetoric several times, even accusing Old Highway 90 Water Service of a “casual indifference to

fundamental human health statutes” and again of “attempting to skirt the regulatory framework of the PUC and TCEQ.” These claims are glaringly false and absolutely baseless, made clear by the fact that Yancey WSC at no time offers any supporting information, evidence, or even an explanation to corroborate the unsubstantiated insults scattered throughout their filings. Old Highway 90 Water Service has readily complied with every request from TCEQ and PUC Staff and remains genuinely confused as to what mandatory regulatory standards could possibly have been “skirted.”

6. Item No. 37 states that in addition to allegedly “attempting to skirt mandatory regulatory framework”, Chester L. Maples Jr. is also the owner of MGMC, LLC. It is clear by framing of the sentence as well as the surrounding statements that this is meant to be a negative point for Old Highway 90 Water Service’s application. With this, Yancey WSC is insinuating that the ownership of MGMC, LLC has been hidden from the PUC in order to enforce their “scheme” rhetoric. Old Highway 90 Water Service would like to show that they have made the ownership of MGMC, LLC clear in past submittals to PUC and TCEQ throughout this proceeding. Chester L. Maples, Jr., the owner of Old Highway 90 Water Service, is indeed a General Member of MGMC, LLC. In the years before this proceeding, the Developer has worked with MGMC, LLC to install the roadways for several subdivisions and, in doing so, Chester L. Maples, Jr. has established a good work relationship with the Developer. Please also let it be known that Chester L. Maples, Jr./MGMC, LLC has installed standalone water systems in the past in cases such as these; where a subdivision is being developed inside uncertificated area and the surrounding water systems are not a feasible option. Therefore, the Developer specifically requested that Old Highway 90 Water Service serve the subdivision with a standalone system. This is why Old Highway 90 Water Service is pursuing the CCN for the requested area, **NOT** to pursue any kind of “scheme” as is alleged by Yancey WSC.
7. In Item No. 37, Yancey WSC also states that “the Developer insinuates that it approached YWSC in 2004” and goes on to state that “that statement is blatantly false, and not supported by any evidence offered by the Developer – who is not a party to this proceeding.” Firstly, the Developer’s letter states “We have been

working on this project since 2004” referring to the Sand Hurst Subdivision in general. The letter from the Developer does not state that Yancey WSC was approached in 2004. Yancey WSC then states that they were first approached by Developer “last year” and that the Developer “unexpectedly backed out of its application to receive non-standard service under YWSC’s tariff in August 2020.” Yancey WSC does not provide any evidence to support this. Old Highway 90 Water Service has no knowledge of a signed agreement between Developer and Yancey WSC. If Yancey WSC has a signed agreement from Developer, Old Highway 90 Water Service requests that Yancey WSC provide this signed agreement. Old Highway 90 Water Service has been in discussion with Developer regarding service to the requested area since the first half of 2019. Discussions with Benton City WSC go back to at least January 2020 in regards to this subdivision, as their CCN overlaps a small corner summing 11 acres of the requested area. Benton City WSC ultimately agreed to decertify this 11 acres of overlap in order to allow Old Highway 90 Water Service to serve with our CCN Number 12975. While service was requested from Benton City WSC and Yancey WSC pursuant to PUC and TCEQ regulations, the Developer’s stance on Yancey WSC serving the requested area has remained from the beginning as is described in the Developer’s letter. Has Yancey WSC received a decertification agreement from Benton City WSC to serve the area of overlap, as Old Highway 90 Water Service has received?

8. In Item No. 37, Yancey WSC also alleges that Old Highway 90 Water Service has a “lack of financial, managerial, and technical capabilities to provide continuous and adequate retail public water service to the Sand Hurst Subdivision.” This is a serious accusation and is completely uncorroborated as Yancey WSC once again supplies no explanation to support this accusation. Old Highway 90 Water Service is a small water system, as YWSC has pointed out several times, however this does not speak to Old Highway 90 Water Service’s capability to provide safe, efficient, cost-effective water service to the Sand Hurst Subdivision, nor does this deem OH90WS “unprofessional” or “unsophisticated” as YWSC accuses. Old Highway 90 Water Service has supplied public water service for 30 years, utilizing standalone systems to

serve the Oak Valley, Fawn Valley, Glenn Valley, Quail Valley, Oak Ridge, North Ridge, and Rolling Hills subdivisions under our CCN Number 12975.

9. Yancey WSC states in their Motion to Intervene that their company has the “capabilities to provide continuous and adequate retail service to the subdivision at affordable rates..” Old Highway 90 Water Service can attest that our prices are comparable to, if not more affordable than, Yancey WSC and Old Highway 90 Water Service would be the more affordable option for the future residents of the Sand Hurst Subdivision.

### **CONCLUSION**

Old Highway 90 Water Service respectfully submits this list of issues for consideration by the Public Utility Commission pursuant to Commission Staff’s Order Requesting Lists of Issues. Any questions in regards to these issues may be directed to our office at (830) 931-9272.

Sincerely,

A handwritten signature in black ink that reads "Chester L. Maples, Jr." with a stylized flourish at the end.

Chester L. Maples, Jr.  
DBA Old Highway 90 Water Service  
License No. WG0005853  
Office: (830) 931-9272  
Fax: (830) 931-2714  
Email: oldhighway90water@yahoo.com