



Filing Receipt

Received - 2021-09-01 11:02:01 AM
Control Number - 52226
ItemNumber - 14

DOCKET NO. 52226

PETITION BY OUTSIDE CITY	§	PUBLIC UTILITY COMMISSION
RATEPAYERS APPEALING THE	§	
WATER RATES ESTABLISHED BY	§	OF TEXAS
THE CITY OF MELVIN	§	

CITY OF MELVIN'S REFUND STATUS REPORT

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, The City of Melvin (City) files this Refund Status Report and would show the following:

I. BACKGROUND

On January 18, 2021, the City Council of the City of Melvin voted to raise water rates for ratepayers both inside and outside the city.

On June 10, 2021, a petition was filed by Outside City Ratepayers Appealing the Water Rates Established by the City of Melvin. On June 29, 2021, the City filed a motion requesting an extension of time to respond, which was granted on June 30, 2021.

On July 26, 2021, Staff filed its First Request of Information to the City.

On July 28, 2021, the City timely filed its Response to the Petition.

On August 11, 2021, the City filed its Motion to Dismiss.

On August 17, 2021, Staff filed a Motion to Abate in Response to the City's Motion to Dismiss, and Administrative Law Judge for this proceeding issued Order No. 4 Abating the Proceeding and Requiring Proof of Refunds or Report on Status of Refunds. Order No. 4 requires that the City provide proof that refunds have been made or a report regarding the status of the refunds by September 1, 2021.

II. STATUS REPORT ON OF REFUNDS

The City of Melvin has begun the process of refunding outside ratepayers the difference between the pre-January 18, 2021 water rate and the higher, now-repealed water rate. The City has limited financial means and is unable to refund all customers at once. *See* Affidavit of Josephine S. Castillo, Mayor of Melvin. The City plans to credit each outside ratepayer the amount of at least \$35.00 per month, or more if that month's budget allows, until the entire refund is issued. *Id.* The City credited \$35.00 to each owed outside ratepayer customer and provided an accounting to each of those customers on the bills issued for its July 26, 2021 – August 25, 2021 billing period. *See* Copy of Bills sent August 27, 2021 (filed separately and confidentially per the requirements of Texas Utilities Code § 182.052 (*as amended by* H.B. 872, 87th Leg. R.S., effective September 1, 2021)). The City will continue to credit a minimum \$35.00 per monthly billing cycle until the entire amount owed is paid to each customer. *See* Affidavit of Josephine S. Castillo, Mayor of Melvin.

CONCLUSION AND PRAYER

Wherefore, the City respectfully requests that the City's Motion to Dismiss be granted, and for such further relief to which it may be entitled.

Respectfully submitted,

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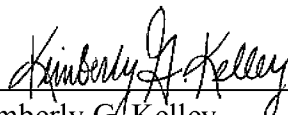
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BY: 
Kimberly G. Kelley

ATTORNEYS FOR THE CITY OF MELVIN

CERTIFICATE OF SERVICE

I certify that this Response was provided to all parties of record via electronic mail or regular mail on September 1, 2021, in accordance with the Order Suspending Rules, issued in Project No 50664.


Kimberly G. Kelley

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AFFIDAVIT OF JOSEPHINE S. CASTILLO

STATE OF TEXAS §
 §
COUNTY OF MCCULLOCH §

Before me, the undersigned notary, on this day personally appeared Josephine S. Castillo, a person whose identity is known to me. After I administered an oath to affiant, affiant testified:

1. "My name is Josephine S. Castillo, I am over eighteen years of age and have never been convicted of a felony or a crime of moral turpitude. I am of sound mind and am fully capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. I am the Mayor of the City of Melvin, Texas (the "City"). I am familiar with the circumstances surrounding the City's January 18, 2021, water rate increase and the subsequent appeal filed with the Public Utility Commission by some of the outside ratepayers in Docket No. 52226. I am also familiar with the action taken by the City Council to repeal the rates in question on August 2, 2021 and the related refund to all affected outside ratepayers.
3. I am familiar with the City's financial situation and budget. The City cannot afford to issue the refunds in question in a single payment. City personnel has assessed the most that City can afford to pay each customer at one time and determined that, based on the City's financial situation this month, the City can afford to issue a refund of \$35.00 this month to all affected customers.
4. The City is examining the budget and may be able to pay each affected customer a higher refund amount in future months. If it is possible under the budget, the City will issue a higher monthly refund to each affected customer, but in no case will it issue a refund of less than \$35.00 per month to each customer.
5. The City will continue to pay each affected outside ratepayer the amount each is due until the total refund is issued."

Further affiant sayeth not.


Josephine S. Castillo

COUNTY OF MCCULLOCH

STATE OF TEXAS

§
§
§

SWORN TO AND SUBSCRIBED before me on the 31 day of August, 2021.

Shelly Lynn Weber
Notary Public, State of Texas

Notary's Printed Name:

Shelly Lynn Weber

My Commission Expires:

16 October 2024

