



## **Filing Receipt**

**Filing Date - 2023-07-12 02:00:11 PM**

**Control Number - 52384**

**Item Number - 39**

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PUC DOCKET NO. 52384

RESPONSE TO ORDER NO. 16 REQUIRING CLARIFICATION ON NOTICE

1118-1/2 SO. MAIN STREET HIGHLANDS

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Comes now 1118-1/2 So. Main Street Highlands, Exempt Utility Registration No. N0078 (the “**Utility**”) and respectfully submits the following:

1. In response to the Court’s Order No. 16 Requiring Clarification on Notice, the Utility provides the attached Declaration of Darlene D’Olive.

Respectfully Submitted,

1118-1/2 So. Main Street Highlands

/s/ Eric D’Olive

Eric D’Olive

SBN: 24080848

eric.a.dolive@gmail.com

1233 Yale St.

Houston, TX 77008

T: 281-900-6598

Attorney for Utility

**Certificate of Service**

I certify that the foregoing was served July 12, 2023 on the parties of record as follows:

Sneha Patel

***Via Email:*** sneha.patel@puc.texas.gov

/s/ Eric D’Olive

Eric D’Olive

## DECLARATION OF DARLENE D'OLIVE

1. Attached hereto as "Exhibit A" is a true and correct copy from the business records of 118-1/2 So. Main Street Highlands (the "Utility") of the Tariff issued to the Utility.
2. I assist my sister, Sharon Peach, in who is an operator of the Utility, but who is permanently disabled and has been bedridden since November 2020. I am also a one-third owner of the well used by the Utility, together with Ms. Peach and our other sister.
3. Attached hereto as "Exhibit B" is a true and correct copy of the final letter that the Utility sent to its customers, with the name of the customer redacted for privacy. I sent the letters by first class certified mail return receipt requested on or about October 21, 2022. On or about the week of October 31, 2022, I hand delivered the letter to the customers who had yet to confirm receipt and I re-sent the letter by first class mail on or about November 15, 2022.
4. Prior to sending the attached letter, on or about August 1, 2022, I mailed a substantially similar letter containing the same termination of services date, but did not retain a copy.
5. I spoke with the customers, either by phone or in person during the week of September 5, 2022 and again the week of October 3, 2022. Each affected landowner stated his understanding that the water supply would cease on December 1, 2022, and stated his intention to obtain an alternative source of water.
6. On or about the week of May 8, 2023, I visited the site and confirmed that the last two remaining customers had installed a shared well. The only former Utility customers remaining on the well are two buildings that are co-owned by Ms. Peach, myself, and our other sister.
7. My name is Darlene D'Olive, my date of birth is October 3, 1954, and my address is 1902 Country Club Cove Dr, Baytown, TX 77521. I declare under penalty of perjury that the foregoing is true and correct and within my personal knowledge.

Executed in Harris County, State of Texas, on the 12th day of July, 2023:

Darlene D'Olive  
Darlene D'Olive

**EXHIBIT A**  
**TARIFF**



Control Number: 48143



Item Number: 21

Addendum StartPage: 0

**Public Utility Commission of Texas**

**Memorandum**

RECEIVED  
APR 15 AM 10:36  
PUBLIC UTILITY COMM.  
FILING CLERK

**To:** Justine Tan, Attorney  
Legal Division

**From:** Debbie Reyes, Program Specialist  
Water Utility Regulation Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**Date:** April 15, 2019

**Subject:** **Docket No. 48143**, *Application of Samuel Sledge and Verna B. Sledge for an Exempt Utility Registration in Harris County*

In response to the Final Order issued on April 4, 2019, in Docket No. 48143, please find a clean copy of the water tariff for Samuel Sledge and Verna B. Sledge to be filed with Central Records, marked as "Approved," and retained in the Commission tariff book. The attached water tariff supersedes the water tariff for Samuel Sledge and Verna B. Sledge, which may be removed from the Commission tariff book.



## EXEMPT UTILITY WATER TARIFF

Docket No. 48143

Exempt Registration No. N0078

Samuel Sledge and Verna B. Sledge  
(Water System Name)

281-843-5046  
(Phone Number)

218 Park St.  
(Utility Address)

Highlands TX 77562  
(City, State, Zip Code)

<u>Rate Schedule</u>	<u>Monthly Flat Rate</u>
Residential	<u>\$30.00</u>
Commercial	<u>\$30.00</u>

TAP FEE..... 0.00

OTHER EXTENSION FEES ..... \$0.00

REGULATORY ASSESSMENT..... 1.0%  
A REGULATORY ASSESSMENT, EQUAL TO ONE PERCENT OF THE CHARGE FOR RETAIL WATER SERVICE ONLY, SHALL BE COLLECTED FROM EACH RETAIL CUSTOMER.

RECONNECTION FEE  
THE RECONNECT FEE WILL BE CHARGED BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS:

a) Non-payment of bill (not to exceed \$25 without justification) .....	<u>\$25.00</u>
b) Customer's request .....	<u>\$0.00</u>
c) Other Reasons (specify).....	<u>\$0.00</u>

LATE CHARGE..... 5.00  
FOR BILL NOT RECEIVED BY DUE DATE. (SELECT EITHER \$5.00 OR 10%).

RETURNED CHECK CHARGE ..... \$0.00

CUSTOMER DEPOSIT ..... \$0.00

METER TEST FEE (Not to exceed \$25) ..... \$0.00

The attached Service Rules are part of this tariff.

**Docket No. 48143**



## REQUIRED SERVICE RULES AND REGULATIONS FOR EXEMPT UTILITIES

**CUSTOMER NOTICE:** THIS UTILITY SERVICE PROVIDER IS EXEMPT FROM MANY OF THE REQUIREMENTS FOR UTILITIES, BUT IT STILL MUST COMPLY WITH THESE SERVICE RULES. THE COMMISSION WILL NOT REVIEW RATE CHANGES UNLESS PROTESTED BY AT LEAST 50% OF THE CUSTOMERS WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE RATE CHANGE.

Rate Changes - Rates can be changed no more than once per year without the approval of the Commission. Customers will be given a notice of rate change which states the effective date of the rate change, the old rates, the new rates, the Commission's address and a statement that written protests can be submitted to the Commission.

### Application for and Provision of Water Service

All new applicants will be given a copy of this Exempt Utility Tariff.

Where service has been disconnected for nonpayment of a bill, service will be reconnected within one working day after the customer has met the requirements for reconnection.

The customer will be responsible for furnishing and laying the necessary customer service line from the utility's point of connection on the customer's property to the place of consumption. Customers may be required to install a customer owned cut-off valve on the customer's side of the meter or connection.

### Refusal of Service

This exempt utility is not required to have a designated service area and is not obligated to serve every applicant for service but is required to provide service in a nondiscriminatory manner.

### Customer Deposits - None Required

### Meter Requirements, Readings, and Testing -None Required.

### Billing

Bills from the utility will be mailed at intervals specified in the service agreement. The due date of bills for utility service will be at least sixteen (16) days from the date of issuance. The postmark on the bill or, if there is no postmark on the bill, the recorded date of mailing by the utility will constitute proof of the date of issuance. Payment for utility service is delinquent if full payment, including late fees, is not received at the designated payment location by 5:00 p.m. on the due date. If the due date falls on a holiday or weekend, the due date for payment purposes will be the next work day after the due date.

**Late Fee** - A late penalty may be charged in the amount of \$5.00 on bills received after the due date. The utility must maintain a record of the date of mailing to charge the late penalty.

Each bill will provide at least the following: The total amount due for water service, the due date of the bill and a telephone number (or numbers) for customers to call if they have questions.

Metered Service- Not applicable

## REQUIRED SERVICE RULES AND REGULATIONS FOR EXEMPT UTILITIES (Continued)

### Service Disconnection and Disputed Bills

If a customer or applicant for service files a complaint about all or a portion of the bill, the utility will promptly investigate the matter and advise the complainant of the results. Service may not be disconnected pending completion of the investigation. If the complainant is dissatisfied with the utility's response, the utility must advise the complainant that he/she has recourse through the Public Utility Commission of Texas complaint process. Pending resolution of a complaint, the Commission may require continuation or restoration of service.

The utility will maintain a record of all complaints which shows the name and address of the complainant, the date and nature of the complaint and the adjustment or disposition thereof, for a period of two years after the final settlement of the complaint.

The exempt utility is encouraged, but not required, to offer a deferred payment plan to a customer who cannot pay an outstanding bill in full and is willing to pay the balance in reasonable installments. However, a customer's utility service may be disconnected if a bill has not been paid or a deferred payment agreement entered into within 26 days from the date of issuance of a bill and if proper notice of disconnection has been given.

Notice of disconnection must be a separate mailing or hand delivery.

Utility service may also be disconnected without notice if an imminent hazard to the utility system exists.

The utility is required to reconnect service after a customer who has been disconnected for nonpayment pays a delinquent bill and any other applicable fees in accordance with this tariff and any applicable service agreement. The utility may permanently disconnect service to an existing customer only if authorized to in writing by the Commission after notice has been issued.

### Reconnection of Service

Service will be reconnected within 24 hours, unless otherwise stated on the service agreement, after the past due bill, reconnection fee and any other outstanding charges are paid or correction of the conditions which caused service to be disconnected.

### Service Interruptions

The utility will make all reasonable efforts to prevent interruptions of service. If interruptions occur, the utility will re-establish service within the shortest possible time.

### Quality of Service

The utility will provide properly treated and disinfected water and facilities with sufficient pressure and capacity for reasonable consumer uses unless otherwise stated on the service agreement.

### Standard Extension Requirements

All practices and policies related to the extension of service to new applicants or restoration of service must be reasonable and nondiscriminatory.

Specific Utility Rules (May not conflict with Commission required Rules. Attach additional pages if needed.)

## WATER SERVICE APPLICATION/AGREEMENT

Date: \_\_\_\_\_

Exempt Utility Name                      Samuel Sledge and Verna B. Sledge  
Business Address Street                218 Park St  
City, State, Zip                            Highlands, TX 77562  
(AC) Telephone                            281-843-5046

### APPLICATION FOR WATER SERVICE

Name of Applicant/Customer: \_\_\_\_\_  
Service Location: \_\_\_\_\_  
Billing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

Check Applicable Items:

☐ Residential                                      ☐ Owner  
☐ Commercial                                      ☐ Tenant

The Exempt Utility agrees to sell and deliver water to the Applicant and the Applicant agrees to purchase and receive water from the Utility in accordance with the rules and regulations required by the Public Utility Commission of Texas which are included in its Exempt Utility Tariff and any other rules or requirements contained in this agreement.

Water **will not** be disinfected. Water **will not** be measured by meters which are furnished, installed, owned and maintained by the Utility. The meter and/or connection is for the sole use of the Applicant/Customer to serve water to one dwelling, business or property. The Applicant/Customer shall not share, resell, or submeter water to any other dwelling, business, property, etc., without the specific written authorization of the Utility and in compliance with applicable laws and regulations.

The Utility has the right to locate a water service meter/connection and the pipe necessary to connect the meter to the utility's water main on the property of the Applicant at a point mutually agreeable to both the Utility and the Applicant. The Applicant/Customer will allow the Utility access at all reasonable times to its property and equipment located upon Applicant/Customer's premises for the limited purposes of reading the water meter, repairing or replacing existing facilities and the inspection of the Applicant/Customer's facilities to check for illegal connections or unsafe plumbing practices or cross-connections, in compliance with the requirements of the Texas Commission on Environmental Quality's "Rules and Regulations for Public Water Systems."

The Applicant will install, at his own expense, a service line from the water meter/connection to the Applicant's point of use which includes X/does not include \_\_\_\_\_ a cutoff valve on the Applicant's side of the water meter/connection. The Applicant/Customer will be responsible for maintenance and repair of the Applicant/Customer's service line. The Applicant/Customer shall hold the Utility harmless from any and all claims or demands for damage to real or personal property occurring from the point the Applicant/Customer ties on the water meter/connection to the final destination of the line installed by Applicant/Customer.

The Applicant agrees to grant to the Utility an easement/right-of-way for the purpose of installing, maintaining and operating such pipe lines, meters, valves, and any other equipment which may be deemed necessary for the provision of Utility service to that Applicant/Customer. The Utility will attempt to restore the Applicant/Customer's property to its original condition after installation or repairs. This easement may be in such form as is required by the Utility. The Applicant/Customer agrees not to interfere with the Utility's employees in the discharge of their duties. The Applicant/Customer will not permit anyone except the Utility's employees to tamper with or interfere with any of the utility's equipment installed on the Applicant/Customer's premises.

Non-Standard Service

Will the Applicant's use of water place unique, non-standard service demands upon the system or require any special facilities?

\_\_\_ No \_\_\_ Yes If yes, please describe.

OTHER AGREEMENTS OR REQUIREMENTS FOR SERVICE

The service applicant has been provided a copy of the utility's Exempt Utility Tariff and agrees to pay the rates in the tariff and abide by the requirements in this service agreement. This utility is exempted from most of the requirements for water utilities as long as service is provided in accordance with the Exempt Utility Tariff. The Commission will not review rate changes by the utility unless it receives written protests from at least 50% of the customers within 90 days after the effective date of a rate change.

\_\_\_\_\_  
Applicant/Customer's Signature

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

\$\_\_\_\_\_ Tap Fee Collected

\$\_\_\_\_\_ Deposit Collected


Service will be connected at the service location on or about \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Utility Representative

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**EXHIBIT B**  
**LETTER TO CUSTOMERS**

October 21, 2022

  
504 Park St.  
Highlands, TX 77562

Via Certified Mail, Return Receipt Requested  
Via First Class Mail

Dear Colby,

This is to inform you that 1118-1/2 So. Main Street Highlands, Exempt Utility Registration No. N0078 will no longer supply water beginning December 1, 2022.

You will continue to not be charged for usage until then.

Please make arrangements to receive water from another source.

Sincerely,

Darlene Sledge D'Olive