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DOCKET NO. 52493

COMPLAINT OF BRAD WHITE	§	PUBLIC UTILITY COMMISSION
AGAINST ARLEDGE RIDGE WATER	§	
SUPPLY CORPORATION	§	OF TEXAS

COMMISSION STAFF'S PROPOSED LIST OF ISSUES

On September 1, 2021, Brad White filed a formal complaint against Arledge Ridge Water Supply Corporation (Arledge) related to Arledge's refusal to provide Mr. White water service on his premises.¹ The complaint was filed under 16 Texas Administrative Code (TAC) § 22.242. Arledge filed a response on October 4, 2021.²

On January 13, 2022, the Office of Policy and Docket Management (OPDM) filed an order requiring the Complainant, Arledge, and allowing the Staff (Staff) of the Public Utility Commission of Texas (Commission), to file a list of issues by January 24, 2022. Therefore, this pleading is timely filed.

I. PROPOSED LIST OF ISSUES

Staff has identified the following issues to be addressed in this docket:

- 1) Does the Commission have jurisdiction over this dispute under Texas Water Code (TWC) § 13.043(g)?
- 2) Does Mr. White's complaint state a claim for which the Commission has authority to grant relief?
- 3) Is Arledge a "water and sewer utility, utility, or public utility" as defined in 16 TAC § 24.3(39)?
- 4) Is Arledge a "water supply or sewer service corporation" as defined in 16 TAC § 24.3(40)?
- 5) Is Mr. White a "customer" of Arledge as defined in 16 TAC § 24.3(11)? If so, on what date did Mr. White become a customer?
- 6) Does Mr. White's initial application for "standard water service" comply with the terms of Arledge's tariff? If not, why not?
- 7) What is the total amount that Mr. White would have to pay to obtain water service to his

¹ Complaint of Brad White Against Arledge Ridge Water Supply Corporation (Sep. 1, 2021) (Complaint).

² Arledge Ridge Water Supply Corporation's Response to Complaint (Oct. 4, 2021) (Response).

residence? What services, labor, equipment, facilities, pipe(s), or other materials would cover that payment?

- 8) Has Arledge complied with all of the requirements of 16 TAC § 24.161 in addressing Mr. White's request for water service?
 - a. Is Mr. White a "qualified service applicant" of Arledge under 16 TAC § 24.161(a)? If not, what specific tariff provisions, service policies, or regulations have not been met and what rates or fees (if any apply) have not been paid for Mr. White to become a qualified service applicant?
 - b. Has Arledge ever made available and received a completed application for "standard water service" from Mr. White?
 - c. Has Arledge ever accepted a completed application for "standard water service" or "non-standard water service" from Mr. White?
 - d. Has Arledge refused service to Mr. White by failing to provide service within 30 days of an expected date or within 180 days of the date a completed application was accepted from Arledge?
 - e. If Arledge contends that it has never received, or has received but never accepted, a completed application from Mr. White, in what manner has Mr. White failed to provide a
- 9) Do the requirements of 16 TAC § 24.161(e) apply to this proceeding? If so,
 - a. Has Arledge complied with the requirements of 16 TAC § 24.161(e)(1)?
- 10) Has Arledge complied with 16 TAC § 24.247(a) by providing continuous and adequate service?
- 11) Is Mr. White's residence located in the city limits?
- 12) If the construction of service water line extensions for installing the 2.5-inch water line that would provide water service to Mr. White's residence as requested cannot be completed within 30 days, did Arledge fail to provide Mr. White a written explanation of the construction required for service and the expected time period in which service was expected, as required by 16 TAC § 24.161(a)(5)?
- 13) Does 16 TAC § 24.161(c), which is limited in application to a "utility", apply to a water supply corporation such as Arledge?
- 14) If 16 TAC § 24.161(c) applies to Arledge, has Arledge failed to provide Mr. White with construction costs options such as the possibility of sharing construction costs between

Arledge and Mr. White?

- 15) What amount has Mr. White already paid (if any) to Arledge to obtain water service to his residence?
- 16) Is the amount proposed by Arledge to charge Mr. White to obtain water service, other than regular membership and tap fees, consistent with its tariff as required by TWC § 13.043(g) and TAC § 24.101(g)(2)?
- 17) Under Commission rules, can Mr. White be held solely responsible for the full cost of installing the necessary extensions, facilities, and equipment for water service to his residence, so that adequate water pressure can be provided to him without affecting existing customers in the area?
- 18) What necessary fees or other amounts, if any, has Mr. White paid to Arledge in relation to his request for “standard water service” to his residence?
- 19) Does the amount Arledge quoted to charge Mr. White for water service to his residence violate TWC § 13.043(g) and is this new connection fee to extend service to Mr. White’s property clearly unreasonable under TWC § 13.043(g) and 16 TAC § 24.101(g)(1)?
 - a. If so, what fee should the Commission establish to be paid by Mr. White to obtain service? Under what conditions should Mr. White pay any amounts due to Arledge for construction of the water line to extend to his residence?
- 20) Is the amount Arledge quoted to charge Mr. White for non-standard service to extend service to his residence just and reasonable?
- 21) Is the amount Arledge quoted to charge Mr. White for “non-standard service” to extend service to his residence unreasonably preferential, prejudicial, or discriminatory?
- 22) Does Arledge’s tariff provision concerning “non-standard service” violate public policy?
- 23) If Arledge violated its tariff or any Commission rule or statute related to Mr. White’s request for water service, what remedy is appropriate to Mr. White?
- 24) Is the proposed extension of the 2.5-inch water line that Arledge intends to upgrade so that water service can be provided to Mr. Whites’ residence necessary?
- 25) Does Arledge currently have any customers on the existing water line in which it serves customers who qualified as a “standard service applicant”?
- 26) Does Arledge currently have any customers on the existing water line who qualified as a “non-standard service applicant”?

- 27) Is every one of Arledge's water lines, from which existing customers in the same area of Mr. White, currently receiving service at full capacity?
- 28) How many connections currently exist for each/all of Arledge's water lines according to its most recent distribution system map?
- 29) According to TCEQ minimum standards, does Arledge currently have adequate and sufficient capacity to serve its customers on the existing connections?
- 30) Did Arledge have an engineering/hydrological study prepared to determine whether a six-inch line would solve the alleged pressure issue that would permit water service to Mr. White's residence?
- 31) Has Arledge requested an exception from the Texas Commission on Environmental Quality (TCEQ) for additional connections on any of their water distribution lines that are currently at full capacity?
- a. Has Arledge explored the possibility of "Alternate Capacity Requirement" which is discussed in 30 TAC § 290.45(g) and addresses Minimum Water System Capacity Requirements to ensure adequate water service to Mr. White and existing customers in the area?
- 32) Why did Arledge conclude that the encasement for the pipes, which was included in item no. 1 of its \$73,450.00 construction cost estimate to Mr. White, was necessary for replacement of the proposed 1,000 foot segment of its 2.5-inch water line extension line to provide service to Mr. White and ensure that adequate water pressure would be provided to Mr. White and existing customers?
- 33) What is the current water demand and meter size needed to provide Mr. White service to his residence?
- 34) What meter size does Mr. White need for water service to his residence?
- 35) Has Arledge submitted a U.S. Department of Agriculture (USDA) application to receive federal funding to upgrade its public water system in order to expand the existing 2.5-inch water line(s) with a 6-inch water line?

II. LIST OF ISSUES NOT TO BE ADDRESSED

At this time, Staff has not identified any issues not to be addressed.

III. CONCLUSION

Staff respectfully requests the issuance of a preliminary order including Staff's proposed issues to be addressed.

Dated: January 24, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on January 24, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith
Forrest Smith