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PUC DOCKET NO. 52493

COMPLAINT OF BRAD WHITE AGAINST ARLEDGE RIDGE WATER SUPPLY CORPORATION	§ § §	PUBLIC UTILITY COMMISSION OF TEXAS
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**ARLEDGE RIDGE WATER SUPPLY CORPORATION'S
PROPOSED LIST OF ISSUES**

COMES NOW Arledge Ridge Water Supply Corporation (“Arledge Ridge WSC”) and files this, its Proposed List of Issues, in response to the Order Requesting Lists of Issues filed in this docket on January 13, 2022, and, in support thereof, would respectfully show the following:

I. BACKGROUND

On September 1, 2021, Brad White (“Complainant”) filed a complaint (“Complaint”) against Arledge Ridge WSC¹ under 16 Texas Administrative Code (“TAC”) § 22.242 regarding water service. On January 13, 2022, Commission Counsel Stephen Journey issued an Order Requesting Lists of Issues, setting a deadline of January 24, 2022, for Arledge Ridge WSC and Complainant to file their list of issues to consider in this docket. This pleading is timely filed.

II. PROPOSED LIST OF ISSUES

The Commission may issue a preliminary order that will contain a list of the issues to be addressed in this docket. To assist the Commission in drafting that order, Arledge Ridge WSC has identified the following issues to be addressed in this proceeding. This list is not intended to be exhaustive, and Arledge Ridge WSC reserves the right to address additional issues raised by other parties or that may arise in the future and are not set forth below.

1. Whether Complainant is the legal owner of 485 County Road 4264, Leonard, Texas (the “Property”).
2. Whether Complainant ever produced to Arledge Ridge WSC proof of his ownership of the Property.
3. Whether Complainant has fulfilled the requirements to be deemed a “qualified service applicant,” as defined by 16 TAC § 24.161(a), for water service from Arledge Ridge WSC.

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

4. Whether Complainant is or has ever been a “member” of Arledge Ridge WSC, as defined by Arledge Ridge WSC’s tariff,² under which an applicant is entitled to water utility service only after application has been made, terms and conditions of service and membership have been met and continue to be met, and all fees have been paid.
5. Whether Complainant has complied with Arledge Ridge WSC’s tariff in requesting water service to the Property.
6. Whether Complainant’s request for water service is “non-standard,” as defined by Arledge Ridge WSC’s tariff.
7. Whether Arledge Ridge WSC’s 2 ½” water supply line that would serve Complainant’s residence already serves seventy people and, therefore, lacks capacity to provide service to any additional customers.
8. Whether Arledge Ridge WSC would require Complainant to pay \$100,000 to upgrade the 2 ½” water supply line that would serve Complainant’s residence.
9. Whether Complainant’s requested service connection would cause Arledge Ridge WSC’s 2 ½” water supply line to fall below the standard for public water systems required by the Texas Commission on Environmental Quality.
10. Whether Arledge Ridge WSC has identified a method of providing non-standard service to Complainant that will not require Complainant to pay \$100,000 to upgrade the 2 ½” water supply line that would serve Complainant’s residence.
11. Whether Complainant must pay the fees associated with membership in Arledge Ridge WSC.
12. Whether Complainant must pay the fees associated with Arledge Ridge WSC’s installation of a water meter to the Property.
13. Whether Arledge Ridge WSC should be required to pay for system improvements or extensions to provide service to Complainant and then recover those costs from Arledge Ridge WSC’s members.

² See Arledge Ridge Water Supply Corporation’s Response to Complaint, Ex. A (Arledge Ridge’s Tariff) (Oct. 4, 2021).

ISSUES NOT TO BE ADDRESSED

1. Arledge Ridge WSC has not identified any issues not to be addressed in this proceeding.

III. THRESHOLD LEGAL OR POLICY ISSUES

1. Whether Arledge Ridge WSC is a “utility,” as defined by 16 TAC § 24.3(39).
2. Whether Arledge Ridge WSC is a member-owned and member-controlled non-profit water supply corporation, as defined by 16 TAC § 24.3(40), operating under Chapter 67 of the Texas Water Code.
3. Whether the provisions of 16 TAC §§ 24.163(c) and (d), cited in Complainant’s pleadings,³ apply to Arledge Ridge WSC.
4. Whether 16 TAC § 24.161(e) governs Arledge Ridge WSC’s duty to extend retail water service to a service applicant in its certificated area.
5. Whether Arledge Ridge WSC’s motion that the Complaint be dismissed⁴ should have been granted based on Complainant’s admissions that he has never met the legal requirements to be a member of Arledge Ridge WSC and is not entitled to service.


IV. PRAYER

WHEREFORE, PREMISES CONSIDERED, Arledge Ridge Water Supply Corporation respectfully prays that the Commission enter a Preliminary Order consistent with the issues set forth above.

³ See Brad White’s Reply to Arledge Ridge Water Supply Corporation’s Response to his Formal Complaint, at 4 (citing 16 TAC § 24.163(d)(4)); 5 (citing 16 TAC §§ 24.163(c)(1), 24.163(d)(2)); 6 (citing 16 TAC §§ 24.163(c)-(d)).

⁴ Arledge Ridge Water Supply Corporation’s Response to Complaint, 2-7 (Oct. 4, 2021).

Respectfully submitted,

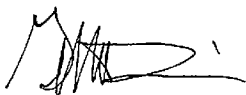
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ATTORNEYS FOR ARLEDGE RIDGE
WATER SUPPLY CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail Return Receipt Requested to all parties on this the 24th day of January 2022.



Grayson E. McDaniel