



## Filing Receipt

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**DOCKET NO. 52493**

**COMPLAINT OF BRAD WHITE  
AGAINST ARLEDGE RIDGE WATER  
SUPPLY CORPORATION**

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**PUBLIC UTILITY COMMISSION  
  
OF TEXAS**

## **COMMISSION STAFF’S STATEMENT OF POSITION**

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.<sup>1</sup> The complaint was filed under 16 Texas Administrative Code (TAC) § 22.242. Arledge filed a response on October 4, 2021.<sup>2</sup>

On September 2, 2021, the administrative law judge (ALJ) filed Order No. 1, requiring Arledge to file its response to the complaint no later than October 4, 2021. Arledge filed its response on October 4, 2021. Order No. 1 also required the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a statement of position no later than October 11, 2021. Therefore, this pleading is timely filed.

### **I. COMPLIANCE WITH INFORMAL RESOLUTION REQUIREMENTS**

Order No. 1 directed Staff to confirm whether the Complainant complied with all of the requirements for informal resolution in accordance with 16 TAC § 22.242(c), which states: “A person must present a complaint to the commission for informal resolution before presenting the complaint to the commission.” If informal resolution fails, the Complainant may present a formal complaint to the Commission.<sup>3</sup>

The formal complaint indicates that an informal complaint was filed with the Commission’s Customer Protection Division (CPD) on July 8, 2021. Staff has reviewed CPD records and found that informal complaint number CP2021070242 matches the parties and subject matter of this formal complaint. The CPD informal complaint file was closed on July 12, 2021. At this time, Staff recommends that the Complainant has complied with the informal resolution requirements pursuant to 16 TAC § 22.242(c).

### **II. JURISDICTION**

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

<sup>2</sup> Arledge Ridge Water Supply Corporation’s Response to Complaint (Oct. 4, 2021) (Response).

<sup>3</sup> 16 TAC § 22.242(e).

Under 16 TAC § 22.242(e)(1), if the person making a complaint receives utility service, or has applied to receive utility service within a municipality that has original jurisdiction over the utility providing the service, then the complaint must be presented to the municipality before it is presented to the Commission. The complaint may be presented to the Commission after: (i) the city issues a decision on the complaint; or (ii) the city issues a statement that it will not consider the complaint or a class of complaints that includes the person's complaint.<sup>4</sup> If the city does not act on the complaint within 30 days, the Commission may send the city a letter requesting that the city act on the complaint.<sup>5</sup> If the city does not respond or act within 30 days from the date of the letter, the complaint shall be deemed denied by the city and the Commission shall consider the complaint.<sup>6</sup>

The Complainant resides at 485 CR 4264, Leonard, Texas 75452. A search of the Fannin County Appraisal District's records indicates that this address is not within the taxing jurisdiction of any municipality. Therefore, Staff recommends that the requirements of 16 TAC § 22.242(e)(1) do not apply to this complaint.

### **III. COMPLAINT**

Mr. White asserts that Arledge refused to provide water service to his residence located at 485 CR 4264, Leonard, Texas 75452.<sup>7</sup> He alleges that he filed a formal application for water service with Arledge on August 25, 2021 and that he was not provided an expected date of service to his property within thirty days.<sup>8</sup> Mr. White claims that he was denied service to his residence because Arledge's water supply line that would serve his residence currently lacked the capacity to serve Mr. White and that the company was not required to provide him with water service sooner.<sup>9</sup> Additionally, Mr. White asserts that Arledge informed him that he would be required to

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<sup>4</sup> 16 TAC § 22.242(e)(1)(A).

<sup>5</sup> 16 TAC § 22.242(e)(1)(B).

<sup>6</sup> *Id.*

<sup>7</sup> Complaint at 2.

<sup>8</sup> *Id.* at 3-4.

<sup>9</sup> *Id.* at 1-2.

pay \$100,000 dollars to upgrade the line if he wished to obtain water service sooner.<sup>10</sup> Mr. White further asserts that Arledge failed to provide documentation justifying refusal to provide him residential water service within the parameters of Texas Water Code (TWC) § 13.2502.<sup>11</sup> He requests that Arledge immediately enable water service at his residential address without further delay.<sup>12</sup>

#### **IV. RESPONSE FROM ARLEDGE RIDGE WATER SUPPLY CORPORATION**

Arledge responded to Mr. White's complaint, asserting that the company has not refused service to the complainant because he has not applied for water service or submitted the other items as required by Arledge's Tariff.<sup>13</sup> Specifically, Arledge asserts that the company is not able to provide water service to Mr. White's residence until he submits a completed application to the company.<sup>14</sup> Arledge states that pursuant to Section F of its Tariff, in order to obtain water service, Mr. White must provide an easement to Arledge's meters and other connections, provide proof of ownership to the property in which he is requesting service, pay the required fees associated with the application, and submit any other documents required under Arledge's tariff.<sup>15</sup> According to the affidavit of Jason Dupuis, discipline lead for Arledge's engineering services, Mr. White failed to submit the required paperwork to obtain water service.<sup>16</sup> Arledge also asserts that Mr. White's property location requires non-standard service additions which require Arledge to replace a 1,000-foot segment of its 2.5-inch water line with a 6-inch water line so that adequate water pressure can be provided to him without affecting existing customers throughout the area.<sup>17</sup> Finally, Arledge states that Mr. White failed to follow the company's grievance procedures as outline in its Tariff.<sup>18</sup>

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<sup>10</sup> *Id.* at 2.

<sup>11</sup> *Id.* at 4.

<sup>12</sup> *Id.* at 5.

<sup>13</sup> Response at 3.

<sup>14</sup> Response at 6-7.

<sup>15</sup> *Id.*, see Tariff §§ E.2.c., F.

<sup>16</sup> Response at 4-5, see Affidavit of Jacob Dupuis, Exhibit C.

<sup>17</sup> *Id.*

## **V. STATEMENT OF POSITION**

As presented by Mr. White and Arledge, the facts in this case are in dispute. Rather than immediately recommend referral to the State Office of Administrative Hearings (SOAH), Staff respectfully requests additional time to conduct discovery and submit requests for information (RFI's) to Mr. White and Arledge so that relevant documentation and information may be gathered to fully develop the evidentiary record in this proceeding. Staff respectfully requests that a deadline of November 8, 2021 be established for Staff to file a supplemental statement of position after submission of discovery requests to Mr. White and Arledge and a review of responses by Staff to the same.

## **VI. CONCLUSION**

Staff respectfully requests additional time to conduct discovery so that it may collect any and all relevant documentation and information for the evidentiary record. Staff respectfully requests that a deadline of November 8, 2021 be established for Staff to file a supplemental statement of position after submission of discovery requests to Mr. White and Arledge and a review of responses by Staff to the same.

Dated: October 11, 2021

Respectfully Submitted,

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<sup>18</sup> Response at 5-7.

**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 October 11, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith  
Forrest Smith