



## Filing Receipt

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**COMPLAINT OF LILI AND THOMAS § PUBLIC UTILITY COMMISSION**  
**MCDEVITT §**  
**§ OF**  
**AGAINST §**  
**§**  
**LEVI WATER SUPPLY CORPORATION § TEXAS**

**COMPLAINANTS' SUPPLEMENTAL INFORMATION**

**COMES NOW** Lili and Thomas McDevitt (Complainants) and respectfully files this Complainants' Supplemental Information and would show the following:

**I.**  
**BACKGROUND**

On December 2, 2021, Lili and Thomas McDevitt (Complainants) filed a complaint against Levi Water Supply Corporation (Levi WSC) regarding denial of water service pursuant to 16 Texas Administrative Code (TAC) § 22.242. On January 7, 2022, Levi Water Supply Corporation (LWSC) filed its response to said complaint.

On February 25, 2022, the Public Utility Commission (PUC) filed Commission Staff's First Request for Information to Levi Water Supply Corporation Question Nos. Staff 1-1 through Staff 1-14. On March 16, 2022, LWSC filed its answers to Commission's First Request for Information.

On March 30, 2022, the Administrative Law Judge (ALJ) filed Order No. 5, requiring Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental statement of position regarding the complaint by April 14, 2022. Therefore, this pleading is timely filed.

**II.**

**RECENTLY DISCOVERED INFORMATION**

Complainants recently obtained information regarding LWSC's utilization of water capacity from the Southern Trinity Groundwater Conservation District (Attached Exhibit A). LWSC is allowed to withdraw water from the Trinity Aquifer with permission from the Southern Trinity Groundwater

Conservation District (STGCD). The permission granted is pursuant to a Historic Use Permit (HUP) and a Non-Historic Use Permit (NHUP).

Under their HUP, LWSC is allowed to withdraw of 87.1 million gallons of water annually from the Trinity Aquifer to serve each qualified service applicant. LWSC's NHUP allows them to withdraw an additional 20.6 million gallons of water annually for the same purpose. Currently, LWSC has placed a moratorium on the issuance of water meters based on the fear that LWSC would exceed its water allotment granted by the STGCD.

The STGCD maintains Production Reports to keep track of the usage of water by each permit holder. Attached Exhibit A is the Production Report for LWSC for the past 8 years. As a reminder, LWSC placed a moratorium on the issuance of water meters in April of 2021 citing fear of exceeding its gallon allotment from the Trinity Aquifer. To the contrary, the Production Report shows that in the year 2021, LWSC used 97.78% of its' HUP allotted capacity, but failed to use any of the allowable water under its NHUP.

### III.

#### CONCLUSION

LWSC has refused service to the Complainants by failing to provide service within 30 days of an expected date or within 180 days of the date a completed application was accept by LWSC. This newly discovered information is evidence that 'good cause' does not exist for said refusal and LWSC should immediately issue a water meter, and thereby service, to the McDevitts.

Respectfully submitted,

Patterson + Sheridan, L.L.P.

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The following files are not convertible:

McDevitt Supplemental Filing - Exhibit

A.xlsx

Please see the ZIP file for this Filing on the PUC Interchange in order to access these files.

Contact [centralrecords@puc.texas.gov](mailto:centralrecords@puc.texas.gov) if you have any questions.