



## **Filing Receipt**

**Filing Date - 2023-10-25 03:50:43 PM**

**Control Number - 53485**

**Item Number - 44**



# **WATERENGINEERS, INC.**

***WATER & WASTEWATER TREATMENT CONSULTANTS***

17230 HUFFMEISTER ROAD, SUITE A~CYPRESS, TEXAS 77429-1643

TEL: 281-373-0500 FAX: 281-373-1113

October 25, 2023

Public Utility Commission of Texas  
Central Records  
1701 N. Congress, Suite 8-100  
Austin, TX 78701

Re: APPLICATION OF GIDEON WATER LLC FOR A CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN MONTGOMERY COUNTY  
DOCKET NO. 53485

Dear Public Utility Commission of Texas:

Please accept this correspondence as a request for reconsideration of the final tariff that was filed with the Notice of Approval on 7/31/2023.

Please accept the following as corroboration for the need for reconsideration.

Gideon Water, LLC filed an application for a new water CCN in Montgomery County on April 12, 2022. The submittal included the requested tariff, which did not/nor never did include any included any gallons with any meter size.

On December 7, 2022, I received notice of an extension filed by staff due to consent forms not having been filed by the applicant. I emailed staff attorney, John Harrison, that same day to let him know that I had never received the consent form and associated tariff, certificate and map.

On December 12, 2022, John Harrison emailed me the consent form, the CCN service area map, the water certificate and the proposed water tariff. Upon review of the documents emailed to me, I noticed the error in the water tariff, which erroneously stated that 10,000 gallons of water was included for all meter sizes. I called Mr. Harrison to let him know of the error. At 11:24 a.m. that same day Mr. Harrison emailed Ethan Blanchard, at the PUC, requesting that the tariff be corrected. Mr. Blanchard corrected the tariff and sent it back to Mr. Harrison at 12:07 p.m. Mr. Harrison forwarded it to me shortly thereafter at 12:08 pm. (See Attachment A-email string and corrected water tariff). I reviewed the corrected tariff and responded back to him at 5:32 p.m. that the correction looked good and asked him if language for pass-through could be added since this CCN would be in a county that had a groundwater conservation district pass—through fee.

On December 13, 2022, Mr. Harrison sent me a new copy of the tariff that included the pass-through language (see Attachment B).

On December 14, 2022 at 5:32 pm I responded to Mr. Harrison's email indicating that everything looked correct and that I would be filing the consent form, to which he responded "Sounds good, thank you." (see Attachment C for complete email string). I filed the completed consent form into the PUC e-filer at 5:35 pm and received an automated response back from PUC that my filing had been received.

At that point, it was my understanding that what Mr. Harrison and I had agreed upon, with regard to the tariff, would be the final approved tariff. It wasn't until recently, when a customer was questioning rates, that it was discovered that the tariff that contained the error and that did not contain the pass-through language is what was approved at the end of the process.

Based on the fact that the error had been brought to the PUC's attention in the beginning of the consent process and was corrected, and that it was never the intention from the beginning of the application process to include any gallonage in the base rate, Gideon Water LLC is requesting reconsideration and correction of the official tariff to reflect what was in the original submittal and what was sent for approval from PUC staff on December 14, 2022.

If, in the opinion of the ALJ, the final approval of the docket cannot be reconsidered, Gideon Water, LLC requests that the change be made in accordance with TWC 13.244 (e)(1) to correct a clerical or typographical error.

Please feel free to contact me should you have any questions.

Sincerely,  
WATERENGINEERS, INC.

*Shelley Young*

Shelley Young, P.E.  
Project Engineer

Encl. as noted

ATTACHMENT A

EMAIL STRING WITH JOHN HARRISON, ETHAN  
BLANCHARD AND SHELLEY YOUNG, P.E.

AND

CORRECTED TARIFF INDICATING NO INCLUDED  
GALLONS IN ANY BASE RATE

## Shelley Young

---

**From:** John Harrison <John.Harrison@puc.texas.gov>  
**Sent:** Monday, December 12, 2022 12:08 PM  
**To:** syoung waterengineers.com  
**Subject:** FW: Issue with 53485 tariff  
**Attachments:** 13304, 53485 Gideon Water LLC - Water Tariff.docx

Here's the corrected tariff. Let me know if it looks ok.

Thanks!



**John Harrison**  
**Managing Attorney, Legal Division**  
Public Utility Commission of Texas  
[John.Harrison@puc.texas.gov](mailto:John.Harrison@puc.texas.gov)  
(512) 936-7277

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**Sent:** Monday, December 12, 2022 12:07 PM  
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**Subject:** RE: Issue with 53485 tariff

Corrected. Thanks.

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**Sent:** Monday, December 12, 2022 11:24  
**To:** Ethan Blanchard <[Ethan.Blanchard@puc.texas.gov](mailto:Ethan.Blanchard@puc.texas.gov)>  
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Gideon Water just called to let me know there is an issue on page 2 of the tariff. They said there should be no gallons included and that the tariff currently states "(Includes 10,000 gallons all meters)". Would you mind correcting that on the tariff?

Thanks!



**John Harrison**  
**Managing Attorney, Legal Division**  
Public Utility Commission of Texas  
[John.Harrison@puc.texas.gov](mailto:John.Harrison@puc.texas.gov)  
(512) 936-7277



## **WATER UTILITY TARIFF**

### **Docket Number 53485**

Gideon Water LLC  
(Utility Name)

P.O. Box 1230  
(Business Address)

Pinchurst, Texas 77362-1230  
(City, State, Zip Code)

281-351-4921  
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

13304

This tariff is effective in the following county(ies):

Montgomery

This tariff is effective in the following cities or unincorporated towns (if any):

N/A

This tariff is effective in the following subdivisions or systems:

The Preserve

#### **TABLE OF CONTENTS**

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

SECTION 1.0 -- RATE SCHEDULE .....	2
SECTION 2.0 -- SERVICE RULES AND POLICIES .....	5
SECTION 3.0 -- EXTENSION POLICY .....	12

APPENDIX A – DROUGHT CONTINGENCY PLAN

APPENDIX B – APPLICATION FOR SERVICE

NOTE: Appendix A – Drought Contingency Plan (DCP) is approved by the Texas Commission on Environmental Quality (TCEQ); however the DCP is included as part of your approved tariff pursuant to PUCT rules. If you are establishing a tariff for the first time, please contact the TCEQ to complete and submit a DCP for approval.

**SECTION 1.0 -- RATE SCHEDULE****Section 1.01 - Rates**

<u>Meter Size</u>	<u>Monthly Minimum Charge</u>	<u>Gallonage Charge</u>
5/8"	\$50.00	\$3.50 per 1,000 gallons, 1 <sup>st</sup> 10,000 gallons
3/4"	\$50.00	\$5.00 per 1,000 gallons, thereafter
1"	\$125.00	
1½"	\$200.00	
2"	\$400.00	
3"	\$750.00	
4"	\$1,500.00	

FORM OF PAYMENT: The utility will accept the following forms of payment:

Cash \_\_, Check X, Money Order X, Credit Card \_\_, Other (specify) \_\_

THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN \$1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS. AT THE CUSTOMER'S OPTION, ANY BILLING TRANSACTION OR COMMUNICATION MAY BE PERFORMED ON THE INTERNET. THIS INCLUDES THE UTILITY SENDING PAPERLESS BILLS BY EMAIL.

REGULATORY ASSESSMENT..... 1.0%

PUCT RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL AND TO REMIT FEE TO THE TCEQ.

**SECTION 1.0 -- RATE SCHEDULE (CONTINUED)****Section 1.02 -- Miscellaneous Fees**

**TAP FEE.....\$1,200.00**

TAP FEE IS BASED ON THE AVERAGE OF THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR STANDARD RESIDENTIAL CONNECTION OF 5/8" METER PLUS UNIQUE COSTS AS PERMITTED BY PUCT RULE AT COST.

**TAP FEE (Unique costs) .....Actual Cost**

FOR EXAMPLE, A ROAD BORE FOR CUSTOMERS OUTSIDE OF SUBDIVISIONS OR RESIDENTIAL AREAS.

**LARGE METER TAP FEE .....Actual Cost**

TAP FEE IS BASED ON THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR METERS LARGER THAN STANDARD 5/8" METERS.

**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 (Maximum \$25.00) .....\$25.00

b) Customer's request.....\$40.00

or other reasons listed under Section 2.0 of this tariff

**TRANSFER FEE.....\$40.00**

THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHEN THE SERVICE IS NOT DISCONNECTED.

**LATE CHARGE..... 10%**

A ONE-TIME PENALTY MAY BE MADE ON DELINQUENT BILLS BUT MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

**RETURNED CHECK CHARGE .....\$35.00**

**CUSTOMER DEPOSIT RESIDENTIAL (Maximum \$50).....\$50.00**

**COMMERCIAL AND NON-RESIDENTIAL DEPOSIT ..... 1/6TH ESTIMATED ANNUAL BILL**

**METER TEST FEE (actual cost of testing the meter up to).....\$25.00**

THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS A SECOND METER TEST WITHIN A TWO-YEAR PERIOD AND THE TEST INDICATES THAT THE METER IS RECORDING ACCURATELY.

**METER RELOCATION FEE ..... Actual Relocation Cost**

THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS RELOCATION OF AN EXISTING METER.

**METER CONVERSION FEE ..... Actual Cost to Convert Meter**

THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS CHANGE OF SIZE OF AN EXISTING METER OR CHANGE IS REQUIRED BY MATERIAL CHANGE IN CUSTOMERS SERVICE DEMAND.

**SEASONAL RECONNECTION FEE:**

BASE RATE FOR METER SIZE TIMES NUMBER OF MONTHS OFF THE SYSTEM NOT TO EXCEED SIX MONTHS WHEN LEAVE AND RETURN WITHIN A TWELVE MONTH PERIOD.



**SECTION 1.0 – RATE SCHEDULE (CONTINUED)**

Section 1.02 – Miscellaneous Fees (Continued)

**LINE EXTENSION AND CONSTRUCTION CHARGES:**

REFER TO SECTION 3.02 POLICY FOR TERMS, CONDITIONS, AND CHARGES.

**GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE CLAUSE:**

WHEN AUTHORIZED IN WRITING BY PUCT AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING [16 TEXAS ADMINISTRATIVE CODE (TAC) § 24.25(b)(2)(G)].

**SUPPLEMENTAL EMERGENCY SERVICE FEE**

APPLICABLE TO NONRESIDENTIAL WATER SERVICE CUSTOMERS WHO REQUIRE SUPPLEMENTAL SERVICE OVER AND ABOVE THEIR EXISTING WATER SERVICE FROM TIME TO TIME. USAGE IS TO BE DETERMINED BY CUSTOMER. THE MINIMUM DIAMETER FOR SUPPLEMENTAL SERVICE METER SHALL BE 2 INCHES.

**MONTHLY SUPPLEMENTAL SERVICE RATE:** .....\$0  
PER INCH DIAMETER OF SERVICE CONNECTION METER

**METER TAMPERING, DAMAGE OR DIVERSION FEE:**

ONE TIME PENALTY PER OCCURRENCE FOR TAMPERING WITH OR DAMAGING A WATER METER OR ANY APPURTENANCE THERETO INCLUDING LOCKS AND METER BOXES OR SERVICE DIVERSION OF ONE HUNDRED DOLLARS (\$100.00).

## ATTACHMENT B

CORRECTED TARIFF INDICATING NO INCLUDED  
GALLONS IN ANY BASE RATE AND  
PASS THROUGH LANGUAGE



## **WATER UTILITY TARIFF**

### **Docket Number 53485**

Gideon Water LLC  
(Utility Name)

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(Business Address)

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**PURCHASED WATER AND/OR DISTRICT FEE PASS-THROUGH CLAUSE:**

Changes in fees imposed by any non-affiliated third party water supplier or underground water district having jurisdiction over the Utility shall be passed through as an adjustment to the water gallonage charge according to the following formula:

$$AG = G / (1 - L)$$

Where:

AG = adjusted gallonage charge, rounded to the nearest one cent  
G = current purchased water/district approved gallonage charge (per 1,000 gallons)  
L = system average line loss for the preceding 12 months not to exceed 0.15

To implement or modify the pass-through provision, the utility must comply with all notice and other requirements of 16 TAC § 24.25(h).

## ATTACHMENT C

COMPLETE EMAIL STRING BETWEEN JOHN  
HARRISON, ETHAN BLANCHARD AND SHELLEY  
YOUNG, P.E.

## Shelley Young

---

**From:** John Harrison <John.Harrison@puc.texas.gov>  
**Sent:** Wednesday, December 14, 2022 6:32 PM  
**To:** syoung waterengineers.com  
**Subject:** Re: Issue with 53485 tariff

Sounds good, thank you.



**John Harrison**  
**Managing Attorney, Legal Division**  
Public Utility Commission of Texas  
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---

**From:** syoung waterengineers.com <[syoung@waterengineers.com](mailto:syoung@waterengineers.com)>  
**Sent:** Wednesday, December 14, 2022 6:32:27 PM  
**To:** John Harrison <John.Harrison@puc.texas.gov>  
**Subject:** RE: Issue with 53485 tariff

**WARNING: EXTERNAL SENDER.** Always be cautious when clicking links or opening attachments. NEVER provide your user ID or password.

Hi John,

I'm filing this into the filer shortly.

Thanks for your help.

Regards,  
Shelley

**Shelley B. Young, P.E.**  
**WaterEngineers, Inc.**  
17230 Huffmeister Rd.  
Cypress, TX ~ 77429  
tel: 281-373-0500  
fax: 281-373-1113  
[www.waterengineers.com](http://www.waterengineers.com)

The contents of this e-mail and any attachment(s) are confidential, and the property of WaterEngineers, Inc

**From:** John Harrison <John.Harrison@puc.texas.gov>  
**Sent:** Tuesday, December 13, 2022 2:46 PM  
**To:** syoung waterengineers.com <[syoung@waterengineers.com](mailto:syoung@waterengineers.com)>  
**Subject:** RE: Issue with 53485 tariff



Here you go. This should add the needed language.

Thanks!



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Hi John,

The correction looks good, however it occurred to me that since this is in Montgomery County, they will be subject to Groundwater Reduction Plan fees and Groundwater Conservation District fees. The Purchased Water and/or District Fee Pass-Through Clause language needs to be included at the end of Page 4.

See below....sorry it is so LARGE!!

## SECTION

**PURCHASED WATER AND/OR DISINFECTION**  
Changes in fees imposed by any non-utility entity having jurisdiction over the Utility shall be passed through according to the following formula:

$$AG = G/(1-L)$$

Where:

AG = adjusted gallonage charge  
G = current purchased water cost  
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To implement or modify the pass-through requirements of 16 TAC § 24.25(h).

Shelley B. Young, P.E.  
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