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Received - 2022-08-05 04:18:30 PM Control Number - 53811 ItemNumber - 10

Arizona Traders Co.

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August 02, 2022

Public Utility Commission of Texas Central Records 1701 N. Congress Avenue P.O. Box 13326 Austin, TX 78711-3326

DOCKET NO. 53811

Account Holder: John C. Gilliland (Arizona Traders Co.) Servicing Address: 1104 E. San Antonio Ave. El Paso, TX 79901 915-400-8636

Concerning recommendation No. 1 from Docket No. 53811 by the administrative law judge directing the staff of the Public Staff of the Public Utility Commission.

Arizona Traders was not notified before the water was turned off. The PUC's <u>Know Your Rights</u> (texas.gov) states:

Disconnection of Water and Sewer Service

Disconnection with Notice: Prior to disconnecting your service, your water or sewer utility company must provide you with a separate written statement mailed or hand delivered. <u>The disconnection date</u> must be 10 days from the date the notice is issued unless a shorter time is authorized by the commission. The notice must include the intended date of disconnection, the total past due charges, all reconnect fees, and the company's office work hours and contact information.

Rules state that if notice has not been given 10 days prior to disconnection that water service must be reconnected.

Attached with this letter will be a copy of the PUC's Know Your Rights webpage Disconnection of Water and Sewer Service (Highlighted), and a copy of Pg. 1 of 2 from Item No. 7 Docket No. 53811 in response to recommendation No. 1.

Sincerely,

John Gilliland President of Arizona Traders Co.



Consumer Information Utility Complaint Know Your Rights

Know Your Rights

You may be unaware of the rights you have as a utility customer. But it's important that you understand these rights before filing a complaint with your electric, telecommunications, water and sewer utility service provider or the Public Utility Commission (PUC).

Refusal of Service

PUC rules state that an electric or local telecommunications provider may refuse service for the following reasons:

- Hazardous or inadequate facilities or equipment
- · Helping another customer avoid paying his/her bill by applying for service at a location where that customer already receives service
- · Refusal to pay a deposit if you can't show satisfactory credit
- · Failure to pay another utility for the same type of service you've requested
- Failure to pay the bill of another customer for whom you signed a written guarantee
- · For electric, failure to comply with a Transmission and Distribution Service Provider (TDSP) tariff regarding operation of nonstandard equipment
- · For water or sewer service, applicant's primary point of use is outside the certificated area
- For water or sewer service, equipment damage charges have not been paid for the specific property or lot on which service is being requested

Utilities may not refuse service for the following reasons:

- · Previous occupant's failure to pay utility bill
- Failure to pay for non-regulated services, such as insurance policies or Internet service from your electric or telecommunications provider
- Failure to pay a bill for another utility's underbilling that occurred more than six months before the application date
- For water or sewer service, violation of the utility's rules pertaining to operation of nonstandard equipment or unauthorized attachments which interferes with the service of others, unless the customer has been notified and been afforded reasonable opportunity to comply with rules
- For water or sewer service, failure to pay for the restoration of a tap removed by the utility at its option or removed as the result of tampering or delinquency in payment by a previous customer
- For water or sewer service, the service applicant or customer chooses to use a type of backflow prevention assembly approved under 30 TAC §290.44(h) (relating to Water Distribution) even if the assembly is not the one preferred by the utility
- For water or sewer service, failure to comply with regulations or rules for anything other than the type of utility service specifically requested including failure to comply with septic tank regulations or sewer hook-up requirements

If an electric, local telecommunications, water or sewer service provider refuses to serve you, the utility must tell you why. If you don't agree, you may file a complaint with the PUC.

Disconnection of Electric Service

Failure to Pay: For customers who do not pay their electric bill by the due date, their Retail Electric Provider (REP) may request that the TDSP disconnect the electric service after the expiration of a required 10-day notice period.

Disconnection with Notice: Prior to disconnecting your service, your REP must provide you with a written Disconnection Notice. This notice must be mailed to you separately (or hand-delivered) no earlier than the first day after the date your bill is due or, if the REP has offered and the customer has agreed to receive disconnection notices from the REP by email, be a separate email with the words "disconnection notice" or similar language in the subject line. The disconnection date must be 10 days from the date the notice is issued and may not fall on a holiday or weekend (or the day preceding) unless the REP's personnel are available on those days to take payments or make payment arrangements and service can be reconnected. The PUC has provided that your REP may be allowed to authorize disconnection of your electric service for any of the reasons listed below:

- · Failure to pay a bill owed to the REP or to make a deferred payment arrangement by the date of disconnection
- Failure to comply with the terms of a deferred payment arrangement or other payment agreement made with the REP
- · Using service in a manner that interferes with the service of others or the operation of nonstandard equipment
- Failure to pay a deposit required by the REP
- Failure of a guarantor to pay the amount guaranteed when the REP has a written agreement, signed by the guarantor, which allows for disconnection
 of the guarantor's service

Disconnection without Prior Notice: Any REP or TDSP may, at any time, authorize disconnection of a customer's electric service without prior notice for any of the following reasons:

- Where a known dangerous condition exists for as long as the condition exists. Where reasonable, given the nature of the hazardous condition, the REP, or its agent, shall post a notice of disconnection and the reason for the disconnection at the place of common entry or upon the front door of each affected residential unit as soon as possible after service has been disconnected
- Where service is connected without authority by a person who has not made application for service
- Where service is reconnected without authority after disconnection for nonpayment
- Where there has been tampering with the equipment of the transmission and distribution utility, municipally-owned utility, or electric cooperative

- · For non-payment for electric service by a previous occupant of the premise if that occupant is not of the same household
- · For non-payment of any charge unrelated to electric service
- · For non-payment of a different type or class of electric service not included on the account's bill when service was initiated
- For non-payment of under-billed charges that occurred more than 6 months prior to current billing (except in cases of theft of service or meter tampering)
- For non-payment of any disputed charges until your REP or the PUC determines the accuracy of the charges and you have been notified of this
 determination
- For non-payment of an estimated bill unless the estimated bill is part of a pre-approved meter-reading program or in the event the TDSP is unable to read the meter due to circumstances beyond its control.
- If the REP receives notification by the final due date stated on the disconnection notice that an energy assistance provider will be forwarding sufficient payment on your account, and you have paid or made payment arrangements to pay any outstanding debt not covered by the energy assistance provider's payment
- For non-payment during an extreme weather emergency, and upon request, the REP must offer you a deferred payment plan for bills due during the
 emergency.
- For non-payment, prior to the disconnection date stated on the notice, if you have established with the REP that you or another resident on the premises has a critical medical condition and will become seriously ill or more seriously ill if there is a disconnection of service. To obtain this exemption, you must enter into a deferred payment plan with your REP and have the ill person's attending physician contact the REP and submit a written statement attesting to the necessity of electric service to support life. This exemption from disconnection due to illness or disability shall be in effect for 63 days and may be applied for again after the 63 days has expired and the deferred payment plan has been fulfilled.

Disconnection of Telecommunication Service

Thousands of Texans have no local telephone service in their homes because their service was disconnected for nonpayment of long distance charges. They have no means of communicating with family and friends, no way to make business contacts, and no access to emergency services. Commission rules prohibit local phone companies from disconnecting local phone service for non-payment of long distance charges.

To keep your phone service, you must continue to pay your local telephone bill. If you do not pay your long distance charges, your long distance service on your phone can be blocked and the long distance company can take necessary actions to collect outstanding debts.

Disconnection notices must advise customers what portion of their bill must be paid to keep their local phone service. This amount may not include long distance charges.

Other new rules limit charges for deposits to no more than the cost of two months of local phone service and prohibit companies from including anticipated long distance charges as part of the deposit. Companies may ask for a separate long distance deposit, but may not require it as a condition for local phone service.

Disconnection of Water and Sewer Service

Disconnection with Notice: Prior to disconnecting your service, your water or sewer utility company must provide you with a separate written statement mailed or hand delivered. The disconnection date must be 10 days from the date the notice is issued unless a shorter time is authorized by the commission. The notice must include the intended date of disconnection, the total past due charges, all reconnect fees, and the company's office work hours and contact information.

If the notice is provided by a sewer service provider, the notice must state that failure to pay past due sewer charges will result in termination of water service and that water service will not be reconnected until all past due and currently due sewer service charges and the sewer reconnect fee are paid.

After proper notice has been provided, your water or sewer utility company can disconnect your water and wastewater service for the reasons listed below:

- Payment by check which has been rejected for insufficient funds, closed account, or for which a stop payment order has been issued is not deemed to be payment to the utility
- Violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others
- Operation of non-standard equipment, if a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable
 opportunity to remedy the situation
- · Failure to comply with deposit or guarantee arrangements where required by §24.84, relating to Service Applicant and Customer Deposits
- · Failure to pay charges for sewer service provided by another retail public utility
- Failure to pay solid waste disposal fees collected under contract with a county or other public agency

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DOCKET NO. 53811

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COMPLAINT OF ARIZONA TRADERS COMPANY AGAINST EL PASO WATER UTILITIES PUBLIC SERVICE BOARD

PUBLIC UTILITY COMMISSION OF TEXAS

COMMISSION STAFF'S RECOMMEDNATION REGARDING RESTORING WATER SERVICE DURING THE PENDENCY OF THE PROCEEDING

On July 11, 2022, John C. Gilliland (Mr. Gilliland), on behalf of Arizona Traders Company, filed a complaint against El Paso Water Utilities Public Service Board (El Paso Water) alleging wrongful disconnection of water service. The complaint was filed under 16 Texas Administrative Code (TAC) § 22.242.

On July 25, 2022, the administrative law judge (ALJ) filed Order No. 2, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation regarding the appropriateness of restoring water service to Arizona Traders Company during the pendency of this proceeding by August 1, 2022. Therefore, this pleading is timely filed.

I. RECOMMENDATION REGARDING RESTORING WATER SERVICE DURING THE PENDENCY OF THE PROCEEDING

At this time, Staff does not have adequate information to make a recommendation regarding the appropriateness of restoring water service to Arizona Traders Company. Staff requests that it be given the opportunity to make a supplemental recommendation after Staff has more information regarding the facts of this complaint.

II. CONCLUSION

Staff respectfully requests entry of an order consistent with this pleading.