

Filing Receipt

Received - 2022-12-09 01:55:04 PM Control Number - 53811 ItemNumber - 28

1104 E. San Antonio Ave. El Paso, TX 79901 P: 915-400-8636 F: 915-302-4360 arizonatradersco@gmail.com

December 09, 2022

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

NEW 8th FORMAL COMPLAINT December 09, 2022

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

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Hello,

These are more copies of our request to the El Paso Water Utilities Public Service Board to reinstate our water services and the wastewater permit we submitted last summer. Perhaps something can be done with the information in this complaint about what Nancy Nye has been doing for more than 2 years. Her relation with the Fire Department is what we have always been worried about.

We are answering the motion to dismiss our complaints through December 2nd, 2022. The new Formal Complaint No. 8 has more information and a new request to the El Paso Water Utilities Public Service Board.

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.Sincerely.

John Gilliland President of Arizona Traders Co.

1104 E. San Antonio Ave. El Paso, TX 79901 P: 915-400-8636 F: 915-302-4360 arizonatradersco@gmail.com

December 01, 2022

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

8th FORMAL COMPLAINT December 01, 2022

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

Hello,

These are copies of our request to the Public Service Board of El Paso Water Utilities to reinstate our water services and the wastewater permit we submitted last summer.

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Sincerely,

John Gilliland President of Arizona Traders Co.



August 24, 2022

Mr. John Gilliland Arizona Traders Company 1104 E. San Antonio El Paso, TX 79901

Dear Mr. Gilliland:

The Application for Renewal, Industrial Wastewater Discharge Permit, submitted by Arizona Traders Company was received on August 4, 2022.

Because there are unresolved Notices of Violation in addition to other issues pending resolution, the Application cannot be processed as would normally be done. As you know, these issues resulted in termination of water and sewer services to your location. Ultimately, the outstanding items must be satisfactorily addressed, and services would have to be restored before a permit could even be considered.

For the reasons stated, the Application is denied. If you would like to appeal this decision, please refer to the procedures specified in Rules and Regulations No. 9, Section IV.H. The Rules and Regulations of El Paso Water Utilities-Public Service Board are available online at <u>https://www.epwater.org/about_us/rules_and_regulations</u>.

Sincerely,

Maney w. mg

Nancy E. Nye Pretreatment Program Manager

4100 Delta Drive P.O. Box 511 El Paso, TX 79961-0511 P. 915.594.5729 F. 915.594.5740



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4111 SENDER: COMPLETE THIS SECTION COMPLETE THIS SECTION ON DELIVERY A. Signatory Complete items 1, 2, and 3. Print your name and address on the reverse Agent Agent X so that we can return the card to you. Addressee (Printed Name) Attach this card to the back of the mailpiece, B. Re C. Date of Delivery red Redrig or on the front if space permits. 8/4/2022 eronica ENGZ 1. Article Addressed to: D. Is delivery address different from item 1?
Yes Pretreatment Manager If YES, enter delivery address below: C No El Paso Mater Utilities Public service Board P.O. BOX 511 El Paso, TX 79961 Service Type 3. C Priority Mail Express® C Adult Signature Registered Mail¹⁷⁴
 Registered Mail Restricted
 Delivery D Adult Signature Restricted Delivery C Certified Mail@ 9590 9402 7516 2098 9695 69 Certified Mail Restricted Delivery C Signature Confirmation C Collect on Delivery Signature Confirmation D Collect on Delivery Restricted Delivery 2. Article Number (Transfer from service label) **Restricted Delivery** 71₀₂₀ 0090 0000 2512 0307 C Insured Mail Insured Mail Insured Mail Restricted Delivery (over \$500) PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

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SECTION A - GENERAL INFORMATION

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1.	Facility Discharging Wastewater
	Facility Name: Arizona Traders Co.
	P.O. Box:
	Street Address: 1104 E. San Antonio Ave.
	City / State / Zip: El Paso, TX 79901
	Phone Number: 915-400-8636
	Facsimile Number: 915-302-4360
2.	Owner or Chief Executive Officer of Discharging Facility
	Person's Name: John C. Gilliland
	Title: President
	P.O. Box:
	Street address: 1104 E. San Antonio Ave.
	City / State / Zip: El Paso, TX 79901
	Phone Number: 915-400-8636
	Facsinile Number: 915-302-4360
3.	Designated signatory authority of the facility
	Person's Name: John C. Gilliland
	Title: President
	P.O. Box:
	Street Address: 1104 E. San Antonio Ave.
	City / State / Zip: El Paso, TX 79901
	Phone Number: 915-400-8636
	Facsimile Number: 915-302-4360
4	Is the designated PSB contact person the same as listed in 3 above?
4.	[x] Yes - [Please skip to SECTION B]
	Title
	DA Daves
	Strat & Advance
	City / State / Zip: Phone Number:
	Facsimile Number:

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Arizona Traders Co. 1104 E. San Antonio Ave. El Paso, TX 79901 P: 915-400-8636 F: 915-302-4360 arizonatradersco@gmail.com

December 01, 2022

El Paso Water Utilities Public Service Board P.O. Box 511 El Paso, TX 79961

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

Hello,

We would like to request that our wastewater permit (copy is enclosed) be put into effect and that our water and sewer services be reconnected, also enclosed is a letter of denial from Nancy Nye who we would like to be removed from having anything to do with our company and all of her actions reversed.

Enclosed also is a copy of Formal Complaint 7 to the Public Utilities Commission which details the reasons this needs to be done.

Enclosed also is a copy of the second request for extension from the Public Service Board Docket 53811 which we are answering with this.

We would like to have the water reconnected without having to pay the connection fee. Nancy Nye did not give us a 10 day notice when she disconnected it and according to the regulations which the PUC has verified with one of our formal complaints. Copy is enclosed.

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Sincerely,

John Gilliland President of Arizona Traders Co.

1104 E. San Antonio Ave. El Paso, TX 79901 P: 915-400-8636 F: 915-302-4360 arizonatradersco@gmail.com

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

7th FORMAL COMPLAINT November 23rd, 2022

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

Hello,

Our water was turned off by Nancy Nye of El Paso Water Utilities on the basis of our refusal to allow an annual inspector to look at our facility after we had allowed him access to the office and given him all of the paperwork he required for the 2nd annual inspection of the year (attached is an email we sent to Nancy Nye on November 19, 2021 asking why she was doing 2 annual inspections in 2021. The water was not turned off because of heavy metal pollution in the sewer system. Refusal of entry is the only cause for turning off utility services., our lawyer was told this by the public service board at our hearing. None of the violations Nancy has sent us for 2021-2022 show any more than normal discharge. Some of them have been manufactured.

We refused the inspector for the second inspection permission to look at our manufacturing area because the first inspector in May had taken pictures and Nancy had used them to get the fire department to do a fire code inspection and no violations were found. The second inspector who we refused access to the manufacturing area could not produce identification that he was trained to do a fire code inspection. He did have access to our building and he was given all of the paperwork he requested.

The second inspection was for the purpose of filing fire code violations on our company. earlier in 2021 Nancy found no violations for 7 months with up to 3 trucks everyday in the back work area until they took one sample from the rinse water holding tank after 6 months.). We have no responsibility for anything that Nancy claims has been done and now that this information is in a formal complaint for our water being turned off we would like for it to be turned back on. All of this is retaliation by Nancy Nye for the failure of the 4 agencies that monitored and tested here for 2 months in 2012 and did not find one violation, after which she forced us to help her falsify the results of a 5 year audit 2 weeks later. We then began a criminal investigation.(BELOW)

Margaret Wilson, executive secretary to the director of TCEQ in Austin started a criminal investigation of Nancy Nye and Sonia Wyatt based on this. This is the reason the fire department destroyed our plating lines because Nancy told them we had discharged heavy metals and is completely not true as is documented above. Her inspectors who I've talked to, have also told me this. The fire department also used this to turn off our electricity and it needs to be turned back on.

The fire department destroyed our plating operation because of what Nancy Nye told them about heavy metal discharge. They never checked with us on this. We have had a fire department inspection every year for 45 years and Lance Fancio their head inspector did an inspection in 2021 and did not find any violations. When he came in this year he brought 15 inspectors with guns, after we had asked him the previous week not to bring any guns. After they had inspected the building for an hour and a half they forcibly expelled everyone out the back door with out allowing them to clock-out. They did not tell me of any violations that would cause this, and had 10 fire trucks in front of our building with their lights on until mid-night. They also called the news media to watch the plating operation being destroyed while it was not any danger or threat to anyone. They declared a HAZMAT emergency before doing this.

They then told us to dispose of all the plating baths which were mixed in barrels by the next day, or they would come in and destroy everything. We were able to arrange the shipping of the barrels after 2 months. The day the barrels were being loaded on

Arizona Traders Co. 1104 E. San Antonio Ave. El Paso, TX 79901 P: 915-400-8636 F: 915-302-4360 arizonatradersco@gmail.com

the semi-truck to be shipped as waste they approached the building with 5 fire inspectors with guns and wrote a ticket for us while we worked to prepare the paperwork and load and ship the barrels. These was \$100,000 of plating baths that were destroyed. The violations were having people present, using an electrical generator to power the computers in the office and FIRE HAZARD!

All the tickets they write have fire hazard on them as this is the only reason they can use to close a business. This is totally false and made up. We have never had a fire and there is no fire danger in the building.

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We would like to have our water turned back on and the fire department prevented from sending agents with guns into our building, and electricity turned back on.

Sincerely,

John Gilliland President of Arizona Traders Co.

1104 E. San Antonio Ave. El Paso, TX 79901 P: 915-400-8636 F: 915-302-4360 atizonatradersco@gmail.com

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 Utility Commission.

Arizona Traders was not notified before the water was turned off. The PUC's Know Your Rights (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. 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.

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.

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Sincerely,

John Gilliland President of Arizona Traders Co.



Public Utility Commission of Texas

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Consumer Industry

Rules à Laws 👘 Libros

Consumer Information Utility Complaint Know Your Rights

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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
- Where there is evidence of theft of service

Your REP may not authorize disconnection of your electric service for any of the following reasons:

- · 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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 1104 E. San Antonio Ave.

 El Paso, TX 79901

 2022 JUL II

 P: 915-400-8636

 F: 915-302-4360

 arizonatradersco@gmail.com

July 07, 2022

33811

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

RE: Formal Complaint

Account Holder: John C. Gilliland (Arizona Traders Co.) Account Number: 4140710000 Servicing Address: 1104 E. San Antonio Ave. El Paso, TX 79901 915-400-8636

Attn: Filing Clerk,

This is in regards to El Paso Water Utilities.

On April 22, 2022 we received a letter letting us know that our water services have been shut off. The PUC of Texas states that a disconnection date must be sent via email or hand delivered 10 days before the date the notice of disconnection is issued, which we did not receive. There was no letter of any form letting us know their intent on disconnection, our water bill had been paid and did not have any late fees pending.

We sent an informal complaint to the PUC on June 10, 2022 [Complaint No: CP2022060454] and was notified that it would take up to 15 days to receive a response. On July 5, 2022 we received a response from an investigator working for the PUC letting us know that <u>El Paso Water Utilities</u> did not respond to our informal complaint. The investigator informed us that we would be able to submit a formal complaint since they did not respond. Enclosed is a copy of the original informal complaint [CP2022060454] as well as a copy of the letter from Nancy Nye notifying us that our water has been turned off without prior notice.

We would like to also request an investigation of Nancy Nye, head of the wastewater division of the El Paso Water Utilities. She has used manufactured violations to justify turning our water off. This is in retaliation for a criminal investigation we began last June of her forcing us to help her falsify the results of a 5 year audit of her division in 2012. We had reported violations by 2 of her inspectors, Rudy Peña and Manny when they monitored our manhole that went back more than 10 years. The day after we had reported the violations to Sonia Wyatt, Nancy sent Rick Pedregon to my office to tell me that she would not close my business if I said nothing when she and the 5 year inspector from the TCEQ came to my office in 2 weeks. I complied and was amazed that I had been threatened in this manner. For the next 8 years she deleted, erased, and covered up all violations by Arizona Traders to stop us from revealing the agreement. This is shown in a printout of violations which my lawyer obtained from her.

In 2020 she began inspections again with up to 3 trucks a day in our back work area for 7 months. After 6 months there were no violations and she had an inspector manufacture one. For the next year we had to deal with this every day, and in June of 2021 she had Sonia Wyatt tell us without any justification or violations to close our back work area. Copies of emails are enclosed which are highlighted in yellow which show the invention of this without justification. Original emails are on file.

After this in June of 2021 we had Lorinda Garnder of the local TCEQ begin the criminal investigation of her. Everything since then has been retaliation for this investigation.

Many companies are very frightened about what Nancy Nye has been able to do to us over a period of 10 years, including communicating through Rick Pedregon that she would close our business in 2012, which is what she is now trying to do with the help of the Public Service Board who are all aware of the criminal investigation.

A copy of our answer to the turning off of our water is attached which explains why she acted against us.

THÉ TÒP LÌNËS ÒF THÌS CÒPY ARE HIGHLIGHTED IN VELLOW AS ARE COPIES OF EMAILS AND A COPY ÒF VIOLATIONS FÒR ARIZONA TRADERS FROM 2009-2020.

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Sincerely,

John C. Gilliland President of Arizona Traders Co.