



## **Filing Receipt**

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**Item Number - 15**

**DOCKET NO. 54666**

<b>COMPLAINT OF EVELYN</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DANGERFIELD AGAINST HIGH</b>	<b>§</b>	
<b>POINT SPECIAL UTILITY DISTRICT</b>	<b>§</b>	<b>OF TEXAS</b>

**ORDER NO. 9**  
**RETYLING DOCKET, DENYING MOTION TO DISMISS, AND**  
**ESTABLISHING A NEW PROCEDURAL SCHEDULE**

This Order addresses the February 17, 2023 complaint of Evelyn Dangerfield filed against High Point Special Utility District.

**I. Background**

On February 17, 2023, Ms. Dangerfield filed her complaint against High Point SUD. The complaint was filed using a Commission form for an appeal of the cost of obtaining service under Texas Water Code (TWC) § 13.043(g) and 16 Texas Administrative Code (TAC) § 24.101(g). The substance of Ms. Dangerfield's complaint, however, is not really about the cost of obtaining service. Rather, Ms. Dangerfield complains about alleged improper charges on her water bill.

Since at least March 17, 2023, Commission Staff has been of the opinion that Ms. Dangerfield's complaint is more properly characterized as a billing dispute that should be handled as a formal complaint under 16 TAC § 22.242, rather than an appeal of the cost of obtaining service under TWC § 13.043(g) and 16 TAC § 24.101(g). On March 17, 2023, Commission Staff moved to have the complaint dismissed because Ms. Dangerfield failed to resubmit her complaint as one under 16 TAC § 22.242. High Point SUD filed a similar motion to dismiss on the same date.

Over the ensuing months, the prior administrative law judge (ALJ) presiding over this case issued orders asking Ms. Dangerfield if she wishes to re-characterize her complaint as one under 16 TAC § 22.242. Ms. Dangerfield has not responded to those orders.

On October 12, 2023, the undersigned ALJ was assigned to this docket.

On November 2, 2023, Commission Staff re-urged its motion to dismiss.

## **II. Restyling Docket**

The ALJ believes the substance of the complaint, not the title on the form used by the complainant, should be dispositive when determining the proper classification for the complaint. Therefore, after reviewing the docket, the ALJ is of the opinion that this proceeding should be restyled as Ms. Dangerfield's formal complaint against High Point SUD and that this docket should proceed as a formal complaint under 16 TAC § 22.242. This docket is, accordingly, restyled as reflected in this Order.

This docket will proceed as a formal complaint under 16 TAC § 22.242

## **III. Denying Commission Staff's Motion to Dismiss**

Having resolved the question of what type of case this is, the ALJ concludes that it would be premature to grant the motions to dismiss at this time. The motions to dismiss are therefore denied. The parties are always free to file new motions to dismiss in the future if they believe the circumstances warrant it.

## **IV. Requiring Response**

By December 1, 2023, High Point SUD must file a response to the complaint, as required by 16 TAC § 22.78. The response must address the following:

1. the Commission's jurisdiction over this proceeding;
2. allegations raised in the complaint;
3. applicable statutes, rules, orders, and tariff provisions;
4. copies of any rates or tariffs that are the subject of this complaint; and
5. any other matters relevant to the complaint.

## **V. Statement of Position from Commission Staff**

By December 22, 2023, Commission Staff must file a statement of position regarding the complaint. As part of the statement of position, Commission Staff must address whether Ms. Dangerfield complied with the requirement for informal resolution in accordance with 16 TAC § 22.242(c) and whether Ms. Dangerfield is required to follow or meets the requirements of presenting her complaint against High Point SUD to a city before presenting the complaint to the Commission under 16 TAC § 22.242(e)(1).

## VI. Filings

Filing of pleadings is typically governed by 16 TAC § 22.71. However, the Commission's Second Order Suspending Rules in Docket No. 50664<sup>1</sup> (Commission's Second Order Suspending Rules) suspended certain filing requirements found in 16 TAC § 22.71. As long as the Second Order Suspending Rules remains in effect, all parties must file any pleading or document with the Commission solely through the Interchange on the Commission's website (<https://interchange.puc.texas.gov/filer>) and provide notice, by e-mail, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer. It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange.

All parties must provide their current address, **e-mail address**, telephone and fax numbers, if available, to all other parties and the Commission by filing and serving all parties with such information. Each party must provide the Commission and all parties with updated address, **e-mail address**, telephone, and fax information if such information changes. **The e-mail addresses**, telephone and fax numbers will be placed on the service list for the convenience of the parties. Parties are responsible for updating their own service lists to reflect changed information and the addition of any other parties.

Unless otherwise specified, responses or replies to any motion or other pleading must be filed within five working days after the date on which the motion or other pleading was received by the responding party. Failure to file a timely response will be considered acquiescence to the relief requested.

Questions concerning this Order or any other order must be submitted in writing, filed with the Commission, and served on all parties of record.

## VII. Ex Parte Communications

*Ex parte* communications with the ALJ are prohibited per 16 TAC § 22.3(b)(2). Parties must communicate with the ALJ only through written documents filed with the Commission and

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<sup>1</sup> *Issues Related to the State of Disaster for the Coronavirus Disease*, Docket No. 50664, Second Order Suspending Rules (July 16, 2020).

served on all parties. Questions concerning this Order or any other order must be submitted in writing, filed with the Commission, and served on all parties of record.

**VIII. Notifying Office of Public Utility Counsel**

The Office of Public Utility Counsel is notified of this proceeding by copy of this Order.

Signed at Austin, Texas on the 9<sup>th</sup> day of November 2023.

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**REBECCA BROMLEY-WILLIAMS**  
**ADMINISTRATIVE LAW JUDGE**

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