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PUC DOCKET NO. 55942

PETITION BY RATEPAYERS	§	PUBLIC UTILITY COMMISSION
APPEALING THE WATER AND	§	
WASTEWATER RATES	§	OF TEXAS
ESTABLISHED BY THE CITY OF	§	
ROCKPORT	§	

**RESPONSE OF CITY OF ROCKPORT PURSUANT TO ORDER NO. 3 AND
RENEWED MOTION TO DISMISS**

COMES NOW the City of Rockport, Texas (“City” or “Rockport”) and files this Response Pursuant to Order No. 3.

I. BACKGROUND

On January 10, 2024, the City filed a motion to dismiss the petition as the case has been mooted by the City’s decision to repeal the purported appealed rate. The City made refunds in compliance therewith. Order No. 3 granted the Commission Staff’s request for abatement until the City made refunds to the affected ratepayers. It should be noted that the Commission Staff did not provide citation to a single statute or PUC Commission rule that grants the Commission any ongoing jurisdiction over the City’s provision of any refund. The only jurisdiction granted the Commission is appellate procedure over rates, not the provision of refunds. Order No. 3 is likewise devoid of any citation to a statute or rule that grants the Commission oversight of the provision of any refunds issued by the City. However, Order No. 3 sets a deadline of February 29, 2024, for the City to “demonstrate that the billing of out-of-city customers has been corrected and correct refunds have been issued.” Despite the lack of Commission jurisdiction to oversee this process, the City provides the following demonstration without waiving any jurisdictional arguments. This pleading is, therefore, timely filed.

II. REFUNDS

After repealing the rate purportedly appealed in this case, the City engaged its billing partner to locate, calculate, and credit the appropriate refunds to ensure that the affected ratepayers received the refunds they were due. A copy of the work order is attached hereto as Exhibit No. 1.

The vendor completed the investigation and refunded the affected ratepayers. The affected ratepayers were refunded \$103,873.85 for water service and \$23,576.54 for wastewater service, respectively. The declaration of the City's Director of Finance, James R. Sorrell, is attached hereto as Exhibit No. 2. The declaration contains the demonstration that the City has made the appropriate refunds.

III. CONCLUSION

As all refunds have been made, the City renews its Motion to Dismiss filed on December 29, 2023, and requests that it be in all things granted. The City hereby seeks such further relief to which it is justly entitled.

Date: February 15, 2024

Respectfully submitted,

/s/ Arturo D. Rodriguez, Jr.

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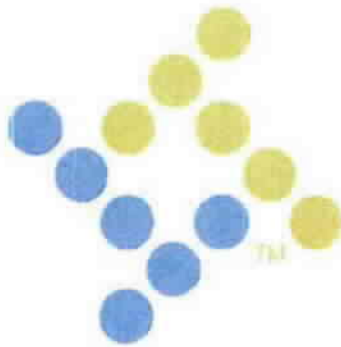
972.668.6414 – FACSIMILE

COUNSEL FOR CITY OF ROCKPORT

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of February, 2024, a true and correct copy of the foregoing document was served on the parties listed above by hand delivery, email, facsimile or First Class Mail.

/s/ Arturo D. Rodriguez, Jr.
ARTURO D. RODRIGUEZ, JR.



tyler
technologies

Tyler Technologies
Client Request for billable project


City of Rockport, TX is requesting assistance with a Mass
Client

Billing Adjustment (3 billing periods, 1 zone).

City of Rockport, TX understands that this will be billed at an hourly rate of
Client

up to \$150/hour, with one hour minimum, for a support representative and or programming
to assist with this process.

It is the sole responsibility of City of Rockport, TX to verify the data involved
Client
is accurate.

Acknowledged:  ROBBIE SORRELL 1.4.24
Signature Printed name Date

Acknowledged:  JAMIE GRAZALES 1-4-24
Signature Printed name Date

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PETITION BY RATEPAYERS	§	PUBLIC UTILITY COMMISSION
APPEALING THE WATER AND	§	
WASTEWATER RATES	§	OF
ESTABLISHED BY THE CITY OF	§	
ROCKPORT	§	TEXAS

DECLARATION OF JAMES R. SORRELL, CITY OF ROCKPORT, TEXAS

Pursuant to § 132.001 of the Texas Civil Practices and Remedies Code, I, JAMES R. SORRELL, declare as follows:

1. My name is James R. Sorrell, my address is 2751 SH 35 Bypass, Rockport, Texas 78382. I am over 18 years of age. I declare under the penalty of perjury that all information in this document is true and correct.

2. I am the Director of Finance for the City of Rockport, Texas ("City").

3. As the Director of Finance, I am responsible for the utility billing and collection function for the City's water and wastewater utility.

4. The City adopted Ordinance Nos. 1920 and 1921 ("Ordinances") wherein the City repealed the rates that were the subject of an appeal procedure in the above referenced docket. The Ordinances contained similar language that required refunds to affected taxpayers for the differential between the water and wastewater rates purportedly appealed in this docket with the rates previously charged for the services. The affected ratepayers were all located outside the City's corporate limits.

5. The City utilizes utility billing software commonly known as InCode by Tyler Technologies ("Tyler"). I executed an agreement with Tyler on January 4, 2024, to locate, calculate, and credit the appropriate refunds to ensure that the affected ratepayers received the refund they were due pursuant to the Ordinances.

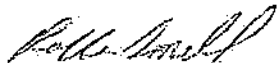
6. Tyler identified a total refund due to the affected ratepayers of \$103,873.85 for water service and \$23,576.54 for wastewater service. By today's date, all ratepayers were provided their appropriate refund. Once the refunds were applied by Tyler to the affected ratepayers' accounts, the refund was applied automatically and instantly. Thus, if a ratepayer had an outstanding balance with the City, then the refund was deducted from the outstanding balance. If the outstanding balance was less than the refund amount, customers received a credit balance that carries over to the next billing cycle. All affected ratepayer accounts have been credited with their appropriate refund.

7. As all refunds have been made, the City considers this matter closed.

JURAT

My name is James R. Sorrell, and I am employee of the following governmental agency: City of Rockport, Texas. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Aransas County, State of Texas on the 13 day of February, 2024.



James R. Sorrell