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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	§	

**CITY OF ROCKPORT SUBMISSION OF PROOF OF REFUNDS AND
RE-URGED MOTION TO DISMISS**

COMES NOW the City of Rockport, Texas (“City” or “Rockport”) and files this Proof of Refunds and Re-Urged Motion to Dismiss.

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. The City has had difficulty receiving adequate information from its third-party software provider to allegedly “prove” that refunds have been made.

II. REFUNDS

In its response to Order No. 3, the City explained and provided proof by way of declaration from the City’s Director of Finance, James R. Sorrell, that refunds had been made. See PUC Interchange Item No. 14, February 15, 2024. The declaration contained the demonstration that the City had made the appropriate refunds. However, through a series of filings, the PUC Staff and one ratepayer sought there to be more proof of the refunds.

As has been explained in previous filings, the City contracts with a third-party software provider to perform all billing functions for the City. The City spent significant public man hours to work with Tyler Tech to provide this submitted proof. As of its last filing, the City was unable to provide the proof in a manner that was reasonably legible and transparent to the PUC Staff. The City has continued to work with Tyler Tech and is now pleased to provide the enclosed

documentation provided by Tyler Tech. While the documentation is not the easiest to follow, the information provided below will assist in understanding the information provided by Tyler Tech. The Tyler Tech documentation is contained in the excel spreadsheet included herewith as Exhibit A. As the spreadsheet contains confidential account information, the document is filed herewith as a confidential file. The City requests that all parties remember that confidential information cannot be shared with anyone that has not agreed to be bound by the protective order in this docket.

The spreadsheet in Exhibit A isolates two out of city limit constituents for the City’s utilities: out of city limit customers (“OCL”) and customers living within the City of Fulton (“FCL”).

In order to read the report in Exhibit A, it is necessary to provide an explanation of the worksheet. First of all, the relevant data is contained in the spreadsheet worksheet tab entitled “OCL and FCL adjustment.”



The “OCL and FCL adjustment” spreadsheet worksheet isolates all out of city limit customers. Within that worksheet, there are approximately 62,088 lines of data that demonstrate the information necessary. The relevant tab includes column headers A-M. In order to best explain the worksheet, a sample, with confidential redactions, is provided below:

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	Account Number	Account Name	Date of transaction	Transaction type	Amount	Reference	pack	stack	Adm cod	OCL or FCL?	Account Credit Calculation	row bet	Gas only	
364			10/31/23	BAI	-389.31	9/35-10/15 MANUAL	40574					0	1 nope	
365			10/31/23	BAI	336.73	9/35-10/15 MANUAL	40574				-52.57	1	1 nope	
366			11/30/23	BAI	-386.22	30/15-11/15 MANUAL	40576					0	1 nope	
367			11/30/23	BAI	334.61	30/15-11/15 MANUAL	40576				-51.82	1	1 nope	
368			12/31/23	BAI	-363.23	11/15-12/15 MANUAL	40578					0	1 nope	
369			12/31/23	BAI	333.41	11/15-12/15 MANUAL	40578				-49.83	1	1 nope	

Each column heading will be explained below:

Column A: Account Number – The account number assigned to a specific customer.

Column B: Account Name – Name of the customer.

Column C: Date of Transaction – Each customer will show up to six transactions in this column. The dates correspond to the bills in which the transaction would have been relevant (i.e., the period in which the over-collection occurred).

Column D: Transaction Type – The vendor’s isolation of Bill data retrieved. Not relevant to the customer refund.

Column E: Amount. This reflects the transaction amounts. The first entry would show a negative number which would be the system’s reversal of the amount that the customer was originally charged with the increased/appealed rate. The second, positive charge, is the charge that the customer would have been charged under the original rate (i.e. historical rate).

Column F: Reference. The vendor’s isolation of Bill data retrieved. Not relevant to the customer refund.

Column G: Packet. The vendor’s isolation of Bill data retrieved. Not relevant to the customer refund.

Column H: Receipt. The vendor’s isolation of Bill data retrieved. Not relevant to the customer refund.

Column I: ADJ Code. The vendor’s isolation of Bill data retrieved. Not relevant to the customer refund.

Column J: OCL or FCL?. This is the vendor’s isolation of data for OCL and FCL customers.

Column K: Account Credit Calculation. Displays the refund amount the customer is entitled to for each month of the three months the City over-collected. The addition of each customers’ Account Credit Calculation will show the total credit each customer was entitled to receive.

Column L: row helper. The vendor’s isolation of Bill data retrieved. Not relevant to the customer refund.

Column M: Gas only?. The vendor’s isolation of Bill data retrieved. Not relevant to the customer refund.

Thus, looking at the sample above, lines 364-369 show lines of one particular out of city limit customer. In October 2023, the customer was originally billed \$389.30 (Line 364, Column E). The customer was re-billed the October amount to \$336.73 (Line 365, Column E) which reflects re-institution of the original, lower rate. Thus, for the October bill, the customer was entitled to a refund of \$52.57 (Line 365, Column K) ($\$389.30 - \$336.73 = \$52.57$). This same

exercise was performed for November and December 2023. The customer was entitled to refunds of \$51.62 and \$49.83 in November and December, respectively (See Lines 367 and 369, Column K). The three refund amounts total a final refund of \$154.02 ($\$52.57 + \$51.62 + \$49.83 = \154.02). This amount was then refunded on the January 2024 bill for the customer. A copy of the customer's bill in January 2024 reflecting the \$154.02 refund that was credited to the customer's account is attached confidentially hereto. See Exhibit B, page 1.

The City does not have the man power to re-print over 4,000 bills to show the refunds on each individual bill. However, the City, also in the confidential filing, hereby submits a representative sample of customers' January bill that shows the applicable refund. See Exhibit B. It should be noted that the refunds shown on customer bills in Exhibit B are shown because the customer paid the City by a method other than auto-pay.

To further illustrate the point that the appropriate refunds were made, Exhibit B, page 4 includes a bill from a customer with a late penalty of \$8.67. If you took that \$8.67 penalty, which is owed to the City, and add it to the credit balance of \$19.12 shown on the bill, this will tie to the overall refund owed to the customer of \$27.79. See Exhibit A, lines 27,309-27,314, column K. Again, the City wishes that the data would be shown in an easier to read format, but is limited by the restrictions of its third-party vendor.

For customers that use auto-pay, the refund line is not separately shown as the refund was taken from their balance prior to the printing of the bill. A representative sample of those bills are provided as Exhibit C. While the refund is not shown on the bills in Exhibit C, the City included an Account History Report for the customer. In the highlighted areas of the Account History Report is a demonstration where the account had been credited the appropriate amounts. The

information contained in Exhibits B and C directly tie to the account and customer information provided in Exhibit A. There is no doubt that the refunds were made.

The City would like to stress that it took many, many man hours to produce this information in conjunction with Tyler Tech. Further, the ratepayers have conceded that the refunds were indeed made. It is unfortunate that this unnecessary expenditure of public time and funds is needed in order to provide this pleading.

With the proof provided herein, in conjunction with the declaration of the City's Finance Director, the City considers this matter closed and **re-urges its Motion to Dismiss as the case is moot.**

III. CONCLUSION

The City moves that its Motion to Dismiss be in all things granted. The City further requests such further relief to which it is justly entitled.

Date: July _____, 2024

Respectfully submitted,

/s/ Arturo D. Rodriguez, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of July, 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.