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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 CORRECTED ORDER NO. 13**

COMES NOW the City of Rockport, Texas (“City” or “Rockport”) and files this Response to Corrected Order No. 13.

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. Corrected Order No. 13 provided a January 24, 2025, deadline for this submission which was extended to February 21, 2025, by Order No. 14. This pleading is timely filed.

II. REFUNDS

This docket has a storied history which the City hopes will be completed with this filing. By way of a brief history, the City provided a declaration that refunds had been made in January 2024. The City’s Director of Finance, James “Robbie” Sorrell stated in a declaration that the affected ratepayers were refunded \$103,873.85 for water service and \$23,576.54 for wastewater service. Through several filings and orders thereafter the City has not been able to provide proof sufficient to result in the dismissal of this docket. The City believes that this filing will satisfy the Commission Staff and ALJ in this matter.

As has been stated previously, the City contracts with a third-party software provider to perform all billing functions for the City’s water and sewer utility. The City’s software provider,

Tyler Tech, was informed over a year ago that detailed evidence of the refunds was necessary in order to comply with the requests and Orders in this docket. On January 4, 2024, the City executed a work order with Tyler Tech to provide the information requested. See Interchange Item No. 14 at Exhibit No. 1. The City spent many man hours attempting to get a report from Tyler Tech in a format that would satisfy the parties in this matter. However, it was not until Corrected Order No. 13 was issued that Tyler Tech did further investigation into its system to provide the special report that is attached hereto. The City wants to stress that the report provided herein is not something it could generate on its own. The report is special-made in order to comply with Corrected Order No. 13. The City certainly understands the frustration of the ALJ in this matter and shares in the frustration. Frankly, over the past year the City has been working diligently to attempt to get the appropriate information from Tyler Tech in a manner the ALJ wants. If the City had the previous ability to provide this information, it would have done so immediately.

Corrected Order No. 13 sought information in a specific manner and makes several requests. The City will respond to each request below:

CORRECTED ORDER NO. 13 ORDER: Third, by January 24, 2025, Rockport must provide the information required by Commission Staff, it's outside-the-city per-customer billing data, by meter size from September 15, 2023 to December 15, 2023.

ROCKPORT RESPONSE: Please see **Exhibits A and B** which are filed confidentially. The data provided in **Exhibit A** is provided in Portable Document Format or pdf format. The data provided in **Exhibit B** is provided in native format. While instruction number 2 in Corrected Order No. 13 states that the data should not be provided in pdf format, the City feared that the parties would not be able to open the document in native format and provided the alternative of pdf format. The City believes that if the pdf format is not necessary, it can be disregarded from consideration.

The data only contains information related to outside-the-city retail customers, except in certain circumstances as noted below. From page 1 to 572, the table lists each outside-the-city retail customer and their meter size. Each water and/or sewer customer shows the original base fee and original volume rate charged, the adjustment (or refund), the adjusted charge, and change (or refunded amount) per line item. In order to determine if the service received was water, the "SVC CODE" is identified as "010." For sewer, the "SVC CODE" is identified as "050."

The exception to the report containing only retail information can be found on pages 495, 503, 536, and 537 of **Exhibit A**. The customer CSWR is not a retail customer, but a wholesale customer. While their information appears on the report, the report does not reflect any entitled refunds to them or affect the total refunds made to customers.

On page 573-574 of **Exhibit A**, a summary table of water and sewer accounts by meter size is provided. The Grand Total refunds for Total Base Charges were \$57,576.52 while the Total Volume Charges were \$74,226.82. See **Exhibit A** at 574. The combined total refunded to customers was \$131,803.34 for water and sewer accounts. This represents more refunds than was reported by Mr. Sorrell in February 2024. Mr. Sorrell last year reported \$4,352.95 fewer water and sewer refunds. The reason for the discrepancy is when Mr. Sorrell looked at the refund information in February 2024, the reports he was provided included some gas adjustments that were made during the examination period which he was not originally aware.

The gas adjustments caused there to be an underreporting of the refunds. The gas refunds totaled \$4,066.36. Thus, the reconciliation with Mr. Sorrell’s February 2024 declaration is best illustrated below:

Base Refunds	\$57,576.52
Volume Refunds	\$74,226.82
Subtotal	<hr/> \$131,803.34
Less Gas Adjustment	\$4,066.36
Subtotal	<hr/> \$127,736.98
Less amount from February 2024 Declaration	\$127,450.39
Difference	<hr/> \$286.59**

** The Difference between the amounts reflected in **Exhibits A and B** and Mr. Sorrell’s February 2024 declaration are approximately 0.2%, a statistically insignificant sum.

CORRECTED ORDER NO. 13 ORDER: 1. Rockport must file a timely and purely professional response.

ROCKPORT RESPONSE: Order No. 14 extended the deadline to respond to February 21, 2025. This response is timely filed.

CORRECTED ORDER NO. 13 ORDER: 2. Rockport must file the required data in native format, not pdf.

ROCKPORT RESPONSE: Please see **Exhibit B** which is filed confidentially. As explained above, the information is also provided in pdf format in **Exhibit A**.

CORRECTED ORDER NO. 13 ORDER: 3. Rockport must ensure that the filed information is readable. The confidential information filed on October 15, 2024 is not acceptable. It appears to have information off the left edge of the pages, is too faint to read, and the ratepayers are correct, the “confidential” covers some of the information.

ROCKPORT RESPONSE: **Exhibit B** is provided in native format. **Exhibit A** is provided in pdf format. In past submissions, the City used the word “Confidential” with 50% opacity. In this submission, the City uses “Confidential” with 35% opacity. The City places the “Confidential” stamp on each page to comply with 16 TEX. ADMIN. CODE § 22.71(d)(1)(C)(i). However, if the ALJ prefers the “Confidential” stamp in another location on the page, the City is willing to supplement its filing to meet the ALJ’s needs.

CORRECTED ORDER NO. 13 ORDER: 4. Rockport must file data ONLY for its outside-the-city ratepayers. The ALJ does not understand how the 1,251 pages of information filed by Rockport on October 15, 2024 could possibly be responsive to Commission Staff. It appears to be a data dump. However, if Rockport cannot provide a report that separates out its outside-the-city ratepayers and must rely on the information filed confidentially on October 15, 2024 or something similar, along with filing that information in a more readable format and providing it in native format, the City must provide a detailed table of contents and index for the filing, identifying the page number and line for each of the affected outside-the-city ratepayers and meter sizes. The pages must be numbered.

ROCKPORT RESPONSE: See **Exhibits A and B**.

CORRECTED ORDER NO. 13 ORDER: 5. And finally, Rockport must provide an affidavit attesting that the information is correct and complete.

ROCKPORT RESPONSE: See **Exhibit C**, the Declaration of James “Robbie” Sorrell.

III. CONCLUSION

The City hereby provides the requested data and reurges its motion to dismiss. The City further requests such further relief to which it is justly entitled.

Date: February 19, 2025

Respectfully submitted,

/s/ Arturo D. Rodriguez, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of February, 2025, 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.

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WASTEWATER RATES	§	OF
ESTABLISHED BY THE CITY OF	§	
ROCKPORT	§	TEXAS

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

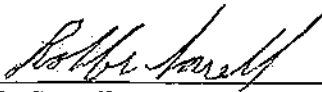
Pursuant to § 132.001 of the Texas Civil Practices and Remedies Code, I, JAMES R. SORRELL, declare as follows:

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. My staff and I have personally worked with Tyler Tech for many hours to ensure that the information attached to the pleading as Exhibits A and B are correct and accurate. In my professional opinion, the information provided in Exhibits A and B is correct and complete.

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 18 day of February, 2025.



James R. Sorrell