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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 TO "CITY OF ROCKPORT RESPONSE TO COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION"

1. Once again the City of Rockport shows contempt for the ratepayers by insinuating through the following statements that the issues we noted in our filing of February 20, 2025, were inaccurate:

- "Regarding the "errors" identified by the Ratepayers"
- "Column A to the spreadsheet provides a response to each alleged error"
- "Protestant erred in asserting that volumetric charges above 15,000 gallons were charged"

Since quotes are used "to set apart a word to show irony, sarcasm, or skepticism (scare quotes),"¹ the City implies the issues identified by the ratepayers weren't errors and reaffirms the same in their next statement of "alleged error."

The first five of the City's eight explanations include the following language:

- "The meter size was incorrectly coded in the City's billing system"
- "Accounts were incorrectly billed at the in-city rate"
- "Over refunded .30 corrected in system"
- "over-refunded based on an entry error"
- "Sewer accounts were incorrectly billed as in-city rates"

The City clearly acknowledges errors were made in either billing, refunds or the dataset.

The petitioners accept the City's statements the ratepayers were refunded correctly despite meter sizes being listed incorrectly, and ratepayers being billed at the lower in-city rates aren't due a refund.

2. The City's sixth explanation is applicable to only three of the 516 dataset rows identified with issues: "Custom Rate Set by PW director (orange) - This is a specialty rate for which no refund was necessary."

The petitioners never stated these were in error; however, we did flag these three rows along with 31 others with the statement "inconsistencies that may have resulted in individual ratepayers not receiving the correct refund: 3) No refund made on a usage charge that is inconsistent with published rates."

The petitioners accept the City's statement no refunds were necessary for this issue.

3. The City's seventh explanation states the "Protestant erred in asserting that volumetric charges above 15,000 gallons were charged. The City did not charge for volumes greater than 15,000 gallons. Thus, the refunds were correctly made."

¹ <https://www.grammarly.com/blog/punctuation-capitalization/quotation-marks/>

No, we stated the opposite: "F. Sewer usage over 15,000-gallons was not billed (43 rows impacted). This appears to be either an error with the language in the prior rate ordinance or a significant billing error..." The latest rates have corrected what was clearly an oversight and now charges for sewer usage over 15,000-gallons, ending an approximately \$2,100 per month mistake on out-of-city accounts alone.

Since there were no charges, no refunds were due.

5. The City's eighth explanation is applicable to 170 of the 516 dataset rows (33%) identified with issues:

"Adjustments made to account caused report to 0 this column (late fee, usage adjustment etc...) (purple) - If any adjustments were made during the billing period, such as a late fee, the column displayed a zero although refunds were made appropriately to the customers' account. The insertion of the zero is a report limitation."

To be clear this report limitation shows the impacted ratepayers were refunded 100% of the rate charged when in fact only a portion was refunded (amount unknown). The City states it is a report limitation. The petitioners state it is an egregious error and was not disclosed previously by the City.

This error overstates the total amount refunded, which means the City's explanation from February wasn't correct: "the reason for the discrepancy [from the refund amount previously reported] is... some gas adjustments that were made during the examination period..." The petitioners pointed out their error in paragraph 3B of our February filing, which is now confirmed in the City's latest filing.

6. As indicated in the paragraphs above, all but three of the 516 dataset rows had errors in either billing, refunds or the dataset. The petitioners never stated the three records now flagged as "Custom Rate Set by PW director" were in error. Given this, the petitioners do not appreciate the City submitting a filing using scare quotes around "error" and using "alleged error" in an attempt to discredit the petitioners when their own analysis shows they made significant errors. This is yet another example of the City not accepting blame for their mistakes.

7. With regards to paragraph 5 above, the City states "refunds were made appropriately to the customers' account"; however, it remains a "trust us" exercise as the City has provided no data to substantiate their statement with regards to the 170 records. Given the dataset has 27,018 records, we will revise our prior statement that "despite these issues, the data shows the City correctly calculated refunds for not less than 99% [previously 98%] of the out-of-city ratepayers." We say good enough.

SUMMARY

1. The petitioners agree the City has substantially provided the needed refunds to out-of-city ratepayers and concurs with closing this docket.

2. The petitioners withdraw our prior request for the City to correctly acknowledge the overall refund amount was \$126,536.14 as it is clear the City remains incapable of generating an accurate report.

June 3, 2025

Respectfully submitted,

/s/ Patrick R. Kane

Petitioner

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