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DOCKET NO. 56520

COMPLAINT OF DANIEL DEWEBER	§	PUBLIC UTILITY COMMISSION
AND PRAIRIE BRANCH PROPERTIES	§	OF
LLC AGAINST AMON CARTER LAKE	§	TEXAS
WATER SUPPLY CORPORATION	§	

COMMISSION STAFF'S PROPOSED LIST OF ISSUES

On April 22, 2024, Daniel Deweber and Prairie Branch Properties LLC (collectively, Complainants) filed a formal complaint against Amon Carter Lake Water Supply Corporation (Amon Carter Lake WSC) (collectively, Parties) alleging that Amon Carter Lake WSC's refused to provide adequate water services to his 60-acre development.

On August 28, 2024, Counsel for the Public Utility Commission of Texas (Commission) filed Order Requesting Lists of Issues, requiring the Complainants and Amon Carter Lake WSC, and allowing Commission Staff (Staff) and any other interested party, to file a list of issues by September 17, 2024. Therefore, this pleading is timely filed.

I. PROPOSED ISSUES TO BE ADDRESSED

Staff has identified the following issues to be addressed in this docket:

1. Does the Commission have jurisdiction over this complaint under 16 Texas Administrative Code (TAC) § 22.242?
2. Does the Complainants' complaint state a claim for which the Commission may grant relief?
3. Has Amon Carter Lake WSC failed to serve the Complainants or failed to provide continuous and adequate service under Texas Water Code (TWC) § 13.250 and 16 TAC § 24.247?
4. Is Amon Carter Lake WSC refusing to serve the Complainants?
5. Is Amon Carter Lake refusing to serve the Complainants for any of the other reasons listed in 16 TAC § 24.157(a)?
6. Did Amon Carter Lake WSC inform the Complainants in writing of the basis of its refusal and that the Complainants may file a complaint with the Commission under 16 TAC § 24.157(b)?
7. Is Amon Carter Lake WSC refusing to serve the Complainants for any of the insufficiency grounds listed in 16 TAC § 24.157(c)?
8. Do the Complainants bear the burden of proof with regard to the reasonableness or unreasonableness of the cost of extending service to the Complainants' proposed development?

9. Is the Complainants proposed development located within the boundaries of Amon Carter Lake WSC's certificate of convenience and necessity No. 12793?
10. Has Amon Carter Lake WSC's Board of Directors approved a tariff that includes a schedule of rates and service rules and policies? If so, when was the tariff approved?
 - a. Has Amon Carter Lake WSC provided a copy of the approved tariff to the Complainants?
 - b. If Amon Carter Lake WSC has adopted a new tariff since the Complainants filed a completed application, which tariff controls over such application?
 - i. If Amon Carter Lake WSC has adopted a new tariff since the Complainants filed a completed application, must the Complainants file a new application?
11. If there are requirements for the extension of service contained in Amon Carter Lake WSC's tariff, have the Complainants satisfied those requirements?
12. If Amon Carter Lake WSC's Board of Directors has not approved a tariff, do Amon Carter Lake WSC's bylaws, or other documents approved by the Board, contain provisions governing application for, and extensions of, service?
13. Does Amon Carter Lake WSC's approved tariff, bylaws, or any other documents approved by Amon Carter Lake WSC's Board of Directors, contain a provision that prohibits Amon Carter Lake WSC from serving the requested area?
14. What charges may Amon Carter Lake WSC appropriately assess under its service extension policy?
15. Are any of the Complainants a "developer" under 16 TAC § 24.161?
 - a. If so, can the developer be held responsible for the cost of installing the necessary facilities to provide water service to lots other than the lots the Complainants are requesting water service for?
16. Does the installation or improvement of facilities within the requested area at the request of a developer constitute the provision of "service" as defined in TWC § 13.002(21) and 16 TAC § 24.3(33)?
 - a. If so, is the estimate for the cost of extending service to the area provided by Amon Carter WSC reasonable?

- b. If so, is a developer's request for installation or improvement of facilities in the developer's requested area a reasonable consumer use of service as considered under 16 TAC § 24.205?
 - c. If so, is a developer's request for installation or improvement of facilities in the developer's requested area a reasonable consumer use of service as considered under 16 TAC § 24.207?
- 17. Are any the Complainants considered a "customer" as defined in 16 TAC § 24.3(11)?
- 18. Are the Complainants a "service applicant" under 16 TAC § 24.161?
- 19. Are any of the Complainants a "qualified service applicant" under 16 TAC § 24.161?
 - a. If any of the Complainants are a "qualified service applicant" under 16 TAC § 24.161, did Amon Carter Lake WSC properly show good cause for its failure to provide service within 180 days of the date a completed application was accepted as required under 16 TAC § 24.161(b)?
- 20. Have the Complainants met all requirements necessary to comply with Amon Carter Lake WSC's tariff regarding request for service?
- 21. Is Amon Carter Lake WSC allowed to refuse service to the Complainants under TWC § 13.2502?
- 22. Are any of the Complainants a "developer" under TWC § 13.2502?
 - a. If any of the Complainants are a "developer" under TWC § 13.2502, did they fail to comply with Amon Carter Lake WSC's extension policy as set forth in the tariff, schedule of rates, or service policies and regulations of Amon Carter Lake WSC?
- 23. Are any of the Complainants a "service applicant" under TWC § 13.2502?
 - a. If any of the Complainants are a "service applicant" under TWC § 13.2502, did they purchase the property in dispute after Amon Carter Lake WSC gave notice as provided by TWC § 13.2502 of the rules of Amon Carter Lake WSC applicable to service to subdivisions from Amon Carter Lake WSC?
- 24. Did Amon Carter Lake WSC provide publication of notice in a newspaper of general circulation in each county in which Amon Carter Lake WSC is certificated for utility service of the requirement to comply with the subdivision service extension policy constitutes notice under TWC § 13.2502?

- a. If so, was the notice published once a week for two consecutive weeks on a biennial basis and contain information describing Amon Carter Lake WSC's service extension policy?
 - b. If not, as an alternative to publication of notice, has Amon Carter Lake WSC demonstrated they notified the Complainants by any reasonable means, including: an agreement executed by the Complainants, correspondence with the Complainants that sets forth Amon Carter Lake WSC's subdivision service extension policy, or any other documentation that reasonably establishes that the Complainants should be aware of Amon Carter Lake WSC's subdivision service extension policy?
25. If the Commission has determined that Amon Carter Lake WSC has violated an applicable statute or regulation in this case, what remedy is being sought against Amon Carter Lake WSC?

II. ISSUES NOT TO BE ADDRESSED

Staff has not identified any issues that should not be addressed in this docket.

III. CONCLUSION

Based on the foregoing, Staff respectfully requests the issuance of a preliminary order including Staff's proposed issues to be addressed.

Dated: September 17, 2024

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on September 17, 2024, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ David Skawin
David Skawin