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TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2009 JAN -8 AM 10:16

January 6, 2009

CHIEF CLERKS OFFICE

William G. Newchurch  
Administrative Law Judge  
State Office of Administrative Hearings  
PO Box 13025  
Austin, Texas 78711-3025

Re: SOAH Docket No. 582; TCEQ Docket No. 2007-1878-UCR; Application of Buena Vista Water System to Change its Water Rates and Tariff, Certificate of Convenience and Necessity No. 11656

Dear Judge Newchurch,

The Rate Payers feel vindicated by the ALJ's Proposal for Decision and Order. We look forward to rapid refunds of overcollections by Buena Vista Water System (BVWS) over the past 4 years and two rate cases.

As Rate Payers, we appreciate the extensive work by so many talented and conscientious people at TCEQ and SOAH. However, as Tax Payers, we are horrified at the cost and lack of resolution when an unscrupulous utility owner games TCEQ processes and procedures. There must be consequences for such scofflaws. This has been a four year ordeal to turn back two unwarranted rate cases. During this time BVWS charged unjustified rates, and Mrs. Kathie Bryant spent our overpayments directly from BVWS's checking account to pay personal credit cards. Now, before the current rate case is resolved, BVWS has applied for yet another rate increase (**\$ 87 K/YR effective March 01, 2009**). This new rate case to fund a "new water plant" is spurious. Even engineers hired by BVWS agree there is a much less expensive, public option which will provide reliable water that is safe to drink and with adequate pressure. We are working this more attractive option through our county officials. We believe BVWS is no longer working on plant improvements because this engineering firm ceased all work for BVWS, and these engineers say there will be no future work. The rate payers prefer, and want to pursue, the public option.

The Rate Payers ask the ALJ to consider the precedent of past actions by BVWS and to order a rapid refund to Rate Payers. BVWS has defiantly ignored Orders by the SOAH Court, TCEQ Commissioners, and TCEQ Staff. This pattern of defiance spans not only rate cases, but also, Enforcement Orders dealing with public safety. Specific to this and the prior rate cases, BVWS has a history of not refunding to Rate Payers and not rolling back water rates as ordered by TCEQ Commissioners. There must be consequences. The Rate Payers request a rapid refund, preferably lump sum, which would be monitored by TCEQ. We project this refund to be in the range of \$30-40 K.

The Rate Payers request denying collection of any new rate increase until Rate Payers have been fully refunded overcollections from the past four years. The Rate Payers seek to avoid funding our refunds while BVWS digs an ever deeper financial hole which will be lost when BVWS fails. The Rate Payers request a detailed feasibility review of this "new plant" before accepting this new application for an increase in rates.

Sincerely,



**CERTIFICATE OF SERVICE**

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CHIEF CLERKS OFFICE

I hereby certify that on this 7<sup>th</sup> day of January, 2009 a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand delivered to the persons on the attached Service List.



Michael D. Wortham

**RATE PAYERS OF BUENA VISTA WATER SYSTEM SERVICE LIST**

**PO BOX 1002  
BUCHANAN DAM, TX 78609  
Phone: 512-793-2337  
FAX: 512-793-4788**

**SERVICE LIST**

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**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)  
BUENA VISTA WATER SYSTEM RATE CASE**

**SOAH DOCKET NUMBER: 582-08-2245**

**TCEQ DOCKET NUMBER: 2007-1878-UCR**

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**REPRESENTATIVE/ADDRESS**

**PARTIES**

WILLIAM G. NEWCHURCH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS  
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TEXAS COMMISSION ON ENVIRONMENTAL  
QUALITY

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BUENA VISTA WATER SYSTEM  
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BUENA VISTA WATER SYSTEM

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