

**LINDA ROYALL, ROBERT WATTS, PEGGY PARLIN, MITCHELL WATTS AND SHANE WATTS;  
RN102676350;  
TCEQ Docket No. 2023-1075-UCR-E**

**Order Type:**

Order Affirming Emergency Order Appointing a Temporary Manager of a Water Utility

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

114 Salt Lake Road, Luling, Guadalupe County, Texas

**Type of Operation:**

retail public utility (the "Utility")

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:**

Pursuant to Tex. Water Code § 7.075, publication is not required for an Emergency Order

**Comments Received:**

N/A

***Penalty Information*****Total Penalty Assessed:**

N/A

**Total Paid to General Revenue:**

N/A

**Total Due to General Revenue:**

N/A

**Compliance History Classifications:**

Person/CN - N/A  
Site/RN - N/A

**Major Source:**

No

**Statutory Limit Adjustment:**

N/A

**Applicable Penalty Policy:**

N/A

***Investigation Information*****Complaint Date(s):**

N/A

**Complaint Information:**

N/A

**Date(s) of Investigation:**

N/A

**Date(s) of NOV(s):**

N/A

**Date(s) of NOE(s):**

N/A

LINDA ROYALL, ROBERT WATTS, PEGGY PARLIN, MITCHELL WATTS AND SHANE WATTS;  
RN102676350;  
TCEQ Docket No. 2023-1075-UCR-E

***Violation Information***

Abandoned operations [TEX. WATER CODE §§ 13.412(f) and 13.4132 and 30 TEX. ADMIN. CODE § 291.142(a) and (c)].

***Corrective Actions/Technical Requirements***

**Technical Requirements:**

1. This Emergency Order shall be effective on the date it is executed by the TCEQ Interim Executive Director, *i.e.*, September 1, 2023.
2. Immediately upon the effective date of this Emergency Order, Jaime Ovalle, Sr.<sup>1</sup> is hereby appointed to temporarily manage and operate the Utility.
3. Jaime Ovalle, Sr. shall serve as temporary manager until 360 days after the effective date of this Emergency Order *i.e.*, August 26, 2024, or until a receiver has been appointed for the Utility.
4. Jaime Ovalle, Sr. is authorized to exercise those powers and duties necessary to ensure the continued operations of the Utility and the provision of continuous and adequate services to customers, including the powers and duties set forth in TEX. WATER CODE § 13.4132.
5. Jaime Ovalle, Sr. shall give the Executive Director an inventory of all Utility property received within sixty (60) days of the effective date of this Emergency Order.
6. Jaime Ovalle, Sr.'s requirement to post financial assurance with the TCEQ in an amount and type acceptable to the Executive Director has been waived by the Interim Executive Director pursuant to 30 TEX. ADMIN. CODE § 291.143(c).
7. Jaime Ovalle, Sr.'s compensation will come from Utility revenues in the amount of eighteen dollars (\$18.00) per month per connection.
8. Jaime Ovalle, Sr. shall report to the Executive Director on a monthly basis in accordance with 30 TEX. ADMIN. CODE § 291.143(h).

***Background Information***

1. Linda Royall, Robert Watts, Peggy Parlin, Mitchell Watts, and Shane Watts own the Utility which operates pursuant to Certificate of Convenience and Necessity No. 12813 (“CCN 12813”).<sup>2</sup>
2. The Utility provides potable water service for compensation to approximately 18 service connections, serves at least 25 people per day for at least 60 days per year, and provides water for human consumption.
3. On October 20, 2021, Mr. Allen Watts, the holder of CCN No. 12813, passed away without transferring the CCN.
4. Prior to the death of Allen Watts, the Utility was being operated by Paul Royall.<sup>3</sup>
5. On June 13, 2022, Geoffrey Kirshbaum, attorney for Paul Royall and Linda Royall, sent a letter to the TCEQ, Public Utility Commission, and Office of the Attorney General stating that Mr. Royall planned to cease operating the Utility effective June 20, 2022.
6. On August 1, 2022, Paul Royall sent an email to staff at the TCEQ, Public Utility Commission, and Office of the Attorney General stating that Paul and Linda Royall will not operate the Utility starting on September 1, 2022.

<sup>1</sup> Mr. Ovalle is the Water Superintendent for the City of Luling and is a licensed water operator.

<sup>2</sup> Linda Royall, Robert Watts, Peggy Parlin, Mitchell Watts, and Shane Watts are each the children of Allen Watts, the holder of CCN 12813 and owner of the public water system located at 114 Salt Lake Road, Luling, Texas 78648. Allen Watts died intestate on October 20, 2021, and his estate has not been probated, nor have his assets and property been distributed as of the date of this order. Linda Royall, Robert Watts, Peggy Parlin, Mitchell Watts, and Shane Watts are the known heirs of the estate of Allen Watts.

<sup>3</sup> Mr. Royall was never formally hired as the operator by the Utility. Mr. Royall continued operation of the Utility after the death of Mr. Watts. Mr. Royall was never the owner of the Utility, has never held the CCN of the Utility, nor has he ever been formally hired as the operator by the Estate of Allen Watts.

**LINDA ROYALL, ROBERT WATTS, PEGGY PARLIN, MITCHELL WATTS AND SHANE WATTS;  
RN102676350;  
TCEQ Docket No. 2023-1075-UCR-E**

7. TCEQ appointed Bill Schulle as temporary manager for the Utility through an Emergency Order, Docket No. 2022-1019-UCR-E, issued on September 1, 2022, and affirmed by the Commission on October 19, 2022, for the purpose of providing continuous and adequate water service to customers. Bill Schulle's first appointment as temporary manager expired on February 28, 2023.<sup>4</sup>
8. TCEQ reappointed Bill Schulle as temporary manager for the Utility through an Emergency Order, Docket No. 2022-1019-UCR-E, issued on March 1, 2023, and affirmed by the commission on April 12, 2023, for the purpose of providing continuous and adequate water service to customers. Bill Schulle's second appointment as temporary manager expired on August 28, 2023.
9. During Bill Schulle's terms as temporary manager, minimum disinfectant residuals have been maintained throughout the distribution system and various repairs have been made. While under temporary management, continuous and adequate service has been provided to the customers of the public water system owned by Respondents.
10. On July 19, 2023, TCEQ received an application from the City of Luling, requesting funding through a Supplemental Environmental Project program to provide long-term service to the customers of the Utility. TCEQ is engaging with the City of Luling to facilitate provision of safe and continuous water service from the Utility.
11. On August 17, 2023, TCEQ referred the Utility to the Office of the Attorney General for the appointment of a receiver<sup>5</sup>, and TCEQ is currently working with the Office of the Attorney General to appoint a receiver for the Utility.
12. The TCEQ alleges that the Utility has: (1) discontinued the provision of service; (2) not provided an alternate source of water; and (3) failed to ensure continuous and adequate water service.
13. No other source of water is available to the more than 25 people whose water is supplied by the Utility.
14. A potential health hazard exists as a result of the Utility's inability to provide continuous and adequate service. A licensed operator is immediately required to ensure the quality of the water in the State and to ensure the Utility operates in a safe manner and meets requirements in the Texas Water Code, the Texas Health and Safety Code, and TCEQ rules. Therefore, a temporary manager is necessary to assume operations of the Utility to ensure the quality of the water meets TCEQ rule requirements and complies with the Texas Water Code as well as the Texas Health and Safety Code, and is safe for public use and consumption.

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<sup>4</sup> Mr. Schulle is the Wastewater Manager for the City of Luling and is a licensed water operator.

<sup>5</sup> A viable candidate willing to serve as receiver for the Utility was not confirmed until July of 2023. Appointment of a new temporary manager through issuance of this emergency order is needed to ensure continued operation of the Utility and allow time for a judge to approve and appoint a receiver.

LINDA ROYALL, ROBERT WATTS, PEGGY PARLIN, MITCHELL WATTS AND SHANE WATTS;  
RN102676350;  
TCEQ Docket No. 2023-1075-UCR-E

**Contact Information**

**TCEQ Attorneys:** Benjamin Warms, Litigation Division, (512) 239-3400  
Garrett Arthur, Public Interest Counsel, (512) 239-6363

**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575

**TCEQ Public Drinking Water Section Manager:** Megan Hamilton, Enforcement Division, (512) 239-1582

**TCEQ Regional Contact:** Joy Thurston-Cook, Water Section Manager, San Antonio Regional Office, (201) 403-4018

**Respondent Contacts:**

Linda Royall  
2488 S State Highway 80  
Luling, Texas 78648

Mitchell Watts  
572 Keaton Lane  
Dale, Texas 78616

Robert Watts  
3584 Ivy Switch Road Unit B  
Luling, Texas 78648

Shane Watts  
3978 Soda Springs Road  
Luling, Texas 78648

Peggy Parlin  
3584 Ivy Switch Road Unit A  
Luling, Texas 78648

**Respondent's Attorney:** N/A<sup>6</sup>

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<sup>6</sup> Paul and Linda Royall were previously represented by Geoffrey Kirshbaum of the law firm Terrill & Waldrop, however on August 1, 2022, Paul and Linda Royall informed TCEQ that they were no longer authorizing contact with Mr. Kirshbaum.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF  
AN ENFORCEMENT ACTION AGAINST  
LINDA ROYALL, ROBERT WATTS, PEGGY  
PARLIN, MITCHELL WATTS AND SHANE  
WATTS;  
RN102676350

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**ORDER AFFIRMING EMERGENCY ORDER  
APPOINTING A TEMPORARY MANAGER OF A WATER UTILITY  
DOCKET NO. 2023-1075-UCR-E**

On September 1, 2023, the Texas Commission on Environmental Quality (“TCEQ” or “Commission”) considered whether to affirm, modify, or set aside an Emergency Order in the matter regarding Linda Royall, Robert Watts, Peggy Parlin, Mitchell Watts, and Shane Watts. The Emergency Order was issued by the Interim Executive Director without a hearing on September 1, 2023. The Emergency Order and the notice of the October 25, 2023, agenda hearing to affirm, modify, or set aside the Emergency Order were sent by certified mail return receipt requested, and via first class mail, postage prepaid, to Linda Royall, Robert Watts, Peggy Parlin, Mitchell Watts, and Shane Watts’ last known addresses on September 1, 2023. On September 1, 2023, the Emergency Order was affixed to the entrance of the subdivision served by the Utility. The Commission finds that the Interim Executive Director appropriately issued the Emergency Order and that the requirements for an emergency order found in Chapters 5 and 13 of the Texas Water Code have been satisfied.

**NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS  
THAT:**

The September 1, 2023, Emergency Order Appointing a Temporary Manager of a Water Utility, attached hereto as Exhibit A and incorporated into this Order by reference, is affirmed.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

**Exhibit A**  
**EMERGENCY ORDER**  
**APPOINTING A TEMPORARY MANAGER**  
**OF A WATER UTILITY**

**Signed by the Interim Executive Director on September 1, 2023**

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 1, 2023

### Via First Class and Certified Mail, Return Receipts Requested

Linda Royall  
2488 S State Highway 80  
Luling, TX 78648  
Article No. 7004 2510 0003 9119 1784

Mitchell Watts  
572 Keaton Lane  
Dale, Texas 78616  
Article No. 7004 2510 0003 9119 1814

Robert Watts  
3584 Ivy Switch Road Unit B  
Luling, Texas 78648  
Article No. 7004 2510 0003 9119 1791

Shane Watts  
3978 Soda Springs Road  
Luling, Texas 78648  
Article No. 7004 2510 0003 9119 1821

Peggy Parlin  
3584 Ivy Switch Road Unit A  
Luling, Texas 78648  
Article No. 7004 2510 0003 9119 1807

### Via Hand Delivery

Lago Vista Water System, RN102676350

Re: LINDA ROYALL, ROBERT WATTS, PEGGY PARLIN, MITCHELL WATTS & SHANE WATTS  
TCEQ Docket No. 2023-1075-UCR-E  
Notice of Emergency Order and of Hearing to Modify, Affirm, or Set Aside

Dear Mmes. and Messrs. Royall, Watts, Parlin, Watts, and Watts:

On September 1, 2023, the Interim Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued an Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291. The parties made the subject of this order are Linda Royall, Robert Watts, Peggy Parlin, Mitchell Watts, and Shane Watts. The Emergency Order appointed Jaime Ovalle Sr. as temporary manager of the public water system located in Guadalupe County, Texas (the "Utility").

Pursuant to TEX. WATER CODE § 5.504, the Commission will consider whether to affirm, modify, or set aside the Emergency Order issued on September 1, 2023. Therefore, the Interim Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on **October 25, 2023**. The meeting will begin at **9:30 a.m.** The agenda meeting may be held in person **in Room 201S of Building E at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas**, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at <https://www.tceq.texas.gov/goto/agendas> eight days before the Agenda.

The enclosed documentation is provided to you as a record of the materials that have been submitted to the Chief Clerk's Office and will be used in the Commission's Agenda process.

Additionally, please be advised that, pursuant to 30 TEX. ADMIN. CODE § 35.25(c), **at the October 25, 2023, Agenda meeting, you may request an evidentiary hearing on the issuance of the Emergency Order.**

If you have any questions, please contact the TCEQ Litigation Division at (512) 239-3400.

Sincerely,



Benjamin Warms, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality  
[Ben.Warms@tceq.texas.gov](mailto:Ben.Warms@tceq.texas.gov)

Enclosures

cc: George Ortiz, San Antonio Regional Office  
Joy Thurston-Cook, San Antonio Regional Office  
Dorothy Young, Water Supply Division  
Garrett Arthur, Public Interest Counsel  
Melissa Cordell, Enforcement Division  
Department of Utility Outreach, Office of the Public Utility Commission  
Jaime Ovalle Sr., Temporary Manager, 2510 E. Pierce St., Luling, Texas 78648  
City of Luling, 509 E. Crockett Street, Luling, Texas 78648



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TCEQ DOCKET NO. 2023-1075-UCR-E

IN THE MATTER OF  
AN ENFORCEMENT ACTION AGAINST  
LINDA ROYALL, ROBERT WATTS,  
PEGGY PARLIN, MITCHELL WATTS,  
AND SHANE WATTS;  
RN102676350

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## EMERGENCY ORDER APPOINTING A TEMPORARY MANAGER OF A WATER UTILITY

On September 1, 2023, the Interim Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued this Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291. The parties made subject to this Emergency Order are Linda Royall, Robert Watts, Peggy Parlin, Mitchell Watts, and Shane Watts (collectively, "Respondents").

### I. FINDINGS OF FACT

1. Respondents own and operate a public water system located at 114 Salt Lake Road, Luling, Guadalupe County, Texas 78648 (the "Utility").<sup>1</sup>
2. The Utility operates pursuant to Certificate of Convenience and Necessity No. 12813 ("CCN 12813").<sup>2</sup> (Exhibit A)
3. The Utility provides potable water service for compensation to approximately 18 service connections, serves at least 25 people per day for at least 60 days per year, and provides water for human consumption. As such, the Utility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
4. Commission records show that the last known mailing addresses for Respondents are:

Linda Royall  
2488 S State Highway 80  
Luling, Texas 78648

Mitchell Watts  
572 Keaton Lane  
Dale, Texas 78616

Robert Watts  
3584 Ivy Switch Road Unit B  
Luling, Texas 78648

Shane Watts  
3978 Soda Springs Road  
Luling, Texas 78648

Peggy Parlin  
3584 Ivy Switch Road Unit A  
Luling, Texas 78648

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<sup>1</sup> Linda Royall, Robert Watts, Peggy Parlin, Mitchell Watts, and Shane Watts are each the children of Allen Watts, the holder of CCN 12813 and owner of the public water system located at 114 Salt Lake Road, Luling, Texas 78648. Allen Watts died intestate on October 20, 2021, and his estate has not been probated, nor have his assets and property been distributed as of the date of this order. Linda Royall, Robert Watts, Peggy Parlin, Mitchell Watts, and Shane Watts are the known heirs of the estate of Allen Watts.

<sup>2</sup> The CCN is held by Allen Watts dba Lago Vista Water System.

5. On October 20, 2021, Mr. Allen Watts, the holder of CCN No. 12813, passed away without transferring the CCN.
6. Prior to the death of Allen Watts, the Utility was being operated by Paul Royall. Mr. Royall was never formally hired as the operator by the Utility. Mr. Royall continued operation of the Utility after the death of Mr. Watts. Mr. Royall was never the owner of the Utility, has never held the CCN of the Utility, nor has he ever been formally hired as the operator by the Estate of Allen Watts.
7. On June 13, 2022, Geoffrey Kirshbaum, attorney for Paul Royall and Linda Royall, sent a letter to TCEQ, the Public Utility Commission, and the Office of the Attorney General stating that Mr. Royall planned to cease operating the Utility effective June 20, 2022. (Exhibit B)
8. On August 1, 2022, Paul Royall sent an email to staff at TCEQ, the Public Utility Commission, and the Office of the Attorney General stating that Paul and Linda Royall will not operate the Utility starting on September 1, 2022. (Exhibit C)
9. TCEQ appointed Bill Schulle as temporary manager for the Utility through an Emergency Order, Docket No. 2022-1019-UCR-E, issued on September 1, 2022, and affirmed by the Commission on October 19, 2022, for the purpose of providing continuous and adequate water service to customers. Bill Schulle's first appointment as temporary manager expired on February 28, 2023.<sup>3</sup>
10. TCEQ reappointed Bill Schulle as temporary manager for the Utility through an Emergency Order, Docket No. 2022-1019-UCR-E, issued on March 1, 2023, and affirmed by the commission on April 12, 2023, for the purpose of providing continuous and adequate water service to customers. Bill Schulle's second appointment as temporary manager expired on August 28, 2023.
11. During Bill Schulle's terms as temporary manager, minimum disinfectant residuals have been maintained throughout the distribution system and various repairs have been made. While under temporary management, continuous and adequate service has been provided to the customers of the public water system owned by Respondents.
12. On July 19, 2023, TCEQ received an application from the City of Luling, requesting funding through a Supplemental Environmental Project program to provide long-term service to the customers of the Utility. TCEQ is engaging with the City of Luling to facilitate provision of safe and continuous water service from the Utility.
13. On August 17, 2023, TCEQ referred the Utility to the Office of the Attorney General for the appointment of a receiver, and TCEQ is currently working with the Office of the Attorney General to appoint a receiver for the Utility.<sup>4</sup>
14. TCEQ alleges that the Utility's owners have: (1) discontinued the provision of service; (2) not provided an alternate source of water; and (3) failed to ensure continuous and adequate water service.
15. No other source of water is available to the more than 25 people whose water is supplied by the Utility.
16. A potential health hazard exists as a result of the Utility's inability to provide continuous and adequate service. A licensed operator is immediately required to ensure the quality of the water in the State and to ensure the Utility operates in a safe manner and meets requirements in the Texas Water Code, the Texas Health and Safety Code, and TCEQ rules. Therefore, a temporary manager is necessary to assume operations of the Utility to ensure the quality of the water meets TCEQ rule requirements and complies with the Texas Water Code as well as

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<sup>3</sup> Mr. Schulle is the Wastewater Manager for the City of Luling and is a licensed water operator.

<sup>4</sup> A viable candidate willing to serve as receiver for the Utility was not confirmed until July of 2023. Appointment of a new temporary manager through issuance of this emergency order is needed to ensure continued operation of the Utility and allow time for a judge to approve and appoint a receiver.

the Texas Health and Safety Code and is safe for public use and consumption.

17. Jaime Ovalle, Sr.<sup>5</sup> has agreed to serve as temporary manager of the Utility. He can be reached by telephone at 830-875-5131, and by mail at 2510 E. Pierce Street, Luling, Texas 78648.
18. This Emergency Order is necessary to ensure that continuous and adequate water service is provided to the customers of the Utility to effectuate the purposes of the Texas Water Code and the Texas Health and Safety Code.

## II. CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 through 3, Respondents own and operate the Utility, which is a retail public utility as defined in TEX. WATER CODE § 13.002(19).
2. Finding of Fact No. 13 shows that as of the date of the signing of this Emergency Order the Utility has been referred to the attorney general for the appointment of a receiver under TEX. WATER CODE § 13.412 and that the appointment of a temporary manager is justified under TEX. WATER CODE § 13.4132(a)(2).
3. TEX. WATER CODE § 13.4132 authorizes the Commission to appoint a willing person to temporarily manage and operate a utility if the utility has discontinued service or abandoned operations or the provision of services or has been or is being referred to the Attorney General for the appointment of a receiver under TEX. WATER CODE § 13.412.
4. TEX. WATER CODE § 5.507 provides that the Commission may issue an Emergency Order appointing a willing person to temporarily manage and operate a utility under TEX. WATER CODE § 13.4132.
5. This Emergency Order may be issued without notice or hearing, pursuant to TEX. WATER CODE § 5.501(b) and 30 TEX. ADMIN. CODE § 35.25.
6. TEX. WATER CODE § 5.501(c) and 30 TEX. ADMIN. CODE §§ 35.12 and 291.143(a) authorize the TCEQ Executive Director to issue this Emergency Order.
7. TEX. WATER CODE §§ 5.501 and 5.507 and 30 TEX. ADMIN. CODE § 291.143(a) authorize the Executive Director to appoint a person to temporarily manage and operate a utility that has discontinued or abandoned operations or which has been or is being referred to the attorney general for the appointment of a receiver.
8. TEX. WATER CODE § 13.4132 provides to the temporary manager the powers and duties necessary to ensure continued operation of the utility and the provision of continuous and adequate services to customers including the power and duty to read meters, bill for services, collect revenues, disburse funds, access all system components, and request rate increases.
9. Notice of the Emergency Order, once it has been issued, is adequate if the notice is mailed or hand delivered to the last known address of the Utility's headquarters, in accordance with TEX. WATER CODE § 5.507. The last known addresses of Respondents are set forth in Finding of Fact No. 4.

## III. ORDER

1. This Emergency Order shall be effective on the date it is executed by the TCEQ Interim Executive Director, *i.e.*, September 1, 2023.
2. Immediately upon the effective date of this Emergency Order, Jaime Ovalle, Sr. is hereby appointed to temporarily manage and operate the Utility.
3. Jaime Ovalle, Sr. shall serve as temporary manager until 360 days after the effective date

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<sup>5</sup> Mr. Ovalle is the Water Superintendent for the City of Luling and is a licensed water operator.

- of this Emergency Order, *i.e.*, August 26, 2024, or until a receiver has been appointed for the Utility.
4. Jaime Ovalle, Sr. is authorized to exercise those powers and duties necessary to ensure the continued operations of the Utility and the provision of continuous and adequate services to customers, including the powers and duties set forth in TEX. WATER CODE § 13.4132.
  5. Jaime Ovalle, Sr. shall give the Executive Director an inventory of all Utility property received within sixty (60) days of the effective date of this Emergency Order.
  6. Jaime Ovalle, Sr.'s requirement to post financial assurance with TCEQ in an amount and type acceptable to the Executive Director has been waived by the Interim Executive Director, pursuant to 30 TEX. ADMIN. CODE § 291.143(c).
  7. Jaime Ovalle, Sr.'s compensation will come from Utility revenues in the amount of eighteen dollars (\$18.00) per month per connection.
  8. Jaime Ovalle, Sr. shall report to the Executive Director on a monthly basis, in accordance with 30 TEX. ADMIN. CODE § 291.143(h).
  9. Pursuant to TEX. WATER CODE § 5.504, the Commission will consider whether to affirm, modify, or set aside this Emergency Order at its regular Agenda meeting on October 25, 2023, at 9:30 a.m., at TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201S, Austin, Texas. **At the October 25, 2023 Agenda meeting, Respondents may request an evidentiary hearing, pursuant to 30 TEX. ADMIN. CODE § 35.25(c), for the purpose of presenting evidence and cross-examining witnesses regarding whether to affirm, modify, or set aside this Emergency Order.**
  10. The Chief Clerk shall provide a copy of this Emergency Order to each of the parties.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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Kelly Keel  
Interim Executive Director

**EXHIBIT A**

Certificate of Convenience and Necessity No. 12813

# TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



## CERTIFICATE OF CONVENIENCE AND NECESSITY

To Provide Water Service Under V.T.C.A., Water Code  
and Texas Natural Resource Conservation Commission Substantive Rules

**Certificate No. 12813**

### I. Certificate Holder:

Name: Allen Watts dba Lago Vista Water System

Address: Route 2, Box 6 (Highway 80)  
Luling, Texas 78648

### II. General Description and Location of Service Area:

The area covered by this certificate is located approximately 3 miles south of downtown Luling, Texas on State Highway 80. The service area is generally bounded on the north by Interstate Highway 10, on the east and south by County Road 214 and on the west by State Highway 80 in Guadalupe County, Texas.

### III. Certificate Maps:

The certificate holder is authorized to provide water service in the area identified on the Commission's official water service area map, WRS-95, maintained in the offices of the Texas Natural Resource Conservation Commission, 12015 Park 35 Circle, Austin, Texas with all attendant privileges and obligations.

This certificate is issued under Application No. 31317-S and subject to the rules and orders of the Commission, the laws of the State of Texas, conditions contained herein and may be revoked for violations thereof. The certificate is valid until amended or revoked by the Commission.

Issued Date: APR 04 1997

*Ernestine K. C...*

ATTEST: \_\_\_\_\_

*Jan Sam*

For the Commission

**EXHIBIT B**

June 13, 2022 letter to TCEQ, PUC, and OAG from Geoffrey Kirshbaum

# TERRILL & WALDROP

ATTORNEYS and COUNSELORS

810 West 10<sup>th</sup> Street  
Austin, Texas 78701  
Tel (512) 474-9100  
Fax (512) 474-9888

June 13, 2022

## VIA EFILING

Public Utility Commission of Texas  
Central Records  
P.O. Box 13326  
Austin, TX 78711-3326

## VIA EMAIL

Public Utility Commission of Texas  
Department of Utility Outreach  
Attn: Tammy Benter  
duo@puc.texas.gov

## VIA EMAIL

Phillip Ledbetter  
Assistant Attorney General  
Office of the Attorney General  
P.O. Box 12548  
Austin, TX 78711-2458  
phillip.ledbetter@oag.texas.gov

## VIA EMAIL

Texas Comm. on Environmental Quality  
Public Drinking Water Section  
P.O. Box 13087, MC-145  
Austin, TX 78711-3087  
pdws@tceq.texas.gov

*Re:* Paul and Linda Royall – Request to Appoint Temporary Manager for Allen Watts  
d/b/a Lago Vista Water System (CCN No. 12813)

Dear PUC, TCEQ, and OAG Representatives:

This firm represents Paul and Linda Royall. Per our past discussions, Ms. Royall's father, Allen Watts, passed away on October 20, 2021. Prior to that, Mr. Watts was in poor health and Paul Royall stepped in to ensure that the water system Mr. Watts owned, Lago Vista Water System (CCN No. 12813; PWS ID No. 0940029), was kept in operation to as to ensure continuous and adequate water service to its 17 connections. However, Mr. Watts was unable to convey the system to anyone prior to his death, including Mr. or Mrs. Royall, in part because the State of Texas obtained a default judgment following Texas Commission on Environmental Quality ("TCEQ") violations alleged against Mr. Watts and filed an abstract of judgment creating a lien against Mr. Watts's property in 2007 for a significant sum that has ballooned with interest.

The system is now part of the Estate of Allen Watts, but Mr. Watts died intestate and there is no individual currently authorized to administer the estate or authorize continued operation of the system. Thus far, the TCEQ and Office of the Attorney General ("OAG") have not indicated willingness to release the judgment in full to facilitate a transfer of the system and Mrs. Royall cannot authorize a transfer of the system from the estate on her own without an estate administrator. There are four other heirs of the estate that would have to agree to such a transfer too.

Importantly, neither Mr. Watts nor the Estate of Mr. Watts have ever formally engaged Mr. Royall to operate the system. Mr. Royall only became voluntarily involved with the system when



Mr. Watts fell ill to Stage 4 cancer and the system customers were out of water for two days. Mr. Royall was able to bring the system into compliance with respect to known issues at that time, but his involvement was never intended to be a long-term solution to system ownership and operation without a formal contract and accompanying compensation. Mr. Royall has since found other system improvement needs that will require significant investment to repair and it is unclear where those funds will come from.

The upshot of this situation is that the system lacks an officially authorized responsible individual and needs one. Mr. Royall cannot reasonably be expected to continue voluntarily operating the system using donations of his own funds to supplement the system's insufficiently low revenues. On the other hand, Mr. Royall does not want to abandon the system without the State of Texas appointing someone to operate it in his place so that customers may be ensured continued service. Therefore, Mr. Royall hereby notifies the Public Utility Commission of Texas ("PUC"), TCEQ, and OAG that Mr. Royall **plans to cease operating the system effective June 20, 2022**. Mr. Royall requests the PUC or TCEQ immediately appoint a Temporary Manager to operate the system prior to that date. Mr. Royall is willing to assist the appointee as needed with technical system issues, but the current situation is untenable. The system requires permanent technical support and funding that Mr. Royall is not currently in position to provide.

Please feel free to contact me at (512) 474-9100 (e-mail: [gkirshbaum@terrillwaldrop.com](mailto:gkirshbaum@terrillwaldrop.com)) or Mr. Royall at (512) 227-1586 (e-mail: [paulroyall549@gmail.com](mailto:paulroyall549@gmail.com)) to discuss this situation further. Thank you for your prompt attention to this matter.

Sincerely,



Geoffrey P. Kirshbaum  
**TERRILL & WALDROP**

cc: Merritt Lander, PUC  
Ben Warms, TCEQ  
Dorothy Young, TCEQ  
Megan Hamilton, TCEQ  
Brian Dickey, TCEQ

**EXHIBIT C**

August 1, 2022 Email to TCEQ, PUC, and OAG from Paul Royall

**From:** [Paul Royall](#)  
**To:** [Geoff Kirshbaum](#); [Ben Warms](#); [Benter, Tammy](#); [Phillip Ledbetter](#); [Hailey Davidson](#); [Brian Dickey](#); [Dorothy Young](#); [Fuentes, Lisa](#); [Chris Friesenhahn](#); [Van.Moreland@puc.texas.gov](#)  
**Subject:** Lago Vista Water System  
**Date:** Monday, August 1, 2022 2:05:34 PM  
**Attachments:** [2022-7-7 Commission Staff's Response to Order No. 1.pdf](#)  
[2022-7-8 Order No. 2 Finding Request Deficient.PDF](#)  
[2022-6-28 Order No. 1 Requiring Staff Comments \(1\).pdf](#)

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Greetings,

Starting September 1 2022 Linda and I will no longer be operating the Lago Vista Water System for the estate of Mr. Allen Watts. She and I have invested all the time and finances that we feel that we can afford. Linda has a full time job with the City Of Luling and I am a co owner of our water well business. In the next few months I'll be working out of town for long periods of time and unavailable.

This system has taken away too much of our time and finances. We have repaired 7 water leaks,6 in the first 90 days of helping Mr Watts get the system in compliance and the last one this last month, the last one Linda had to do most of the work due to my recent back surgery, and we had to hire our business to come out and help put the repairs on the line.

We started working with the OAG around the first of February 2020, we were told to hire Legal, so we hired Geoff Kirshbaum. He has done a great job of representing us. On the other hand, we do not feel like the State of Texas Folks are working with us. Every time that we have had a meeting in person at the water system and many times on zoom conference, there has been talk about a partial release of the judgement lien against the system property filed against Mr. Watts, but still nothing has happened. Nor has the state a definite decision about how to move forward with the water system. We have heard that the state is willing to give the system a partial release of the lein, which we don't understand, but also the heirs of Mr. Watts need to settle his estate, which isn't going to happen for a variety of reasons out of our control. All five agree that they do not want anything to do with the water system. We are not sure where this leaves us.

We tried to get TCEQ or PUC to request a temporary manager for the system, but that seems to have been interpreted as us making the request and it was found deficient. I must clarify that we were trying to get staff with either agency to make the request, not make it ourselves. I was willing to serve as Temporary Manager, but now understand that the State would not allow me to do so even if I could, but I can no longer serve as Temporary Manager anyway because of my physical limitations. Linda and I simply must stop doing anything for the system.

On August 1, 2022 we sent a notice to the residents the system serves informing them that Linda and I will no longer be operating the water system. I need this group to figure out someone to operate the system. I will gladly provide the gate code to whomever you tell me to.

We are no longer authorizing you to contact Mr. Kirshbaum about this matter because we can no longer afford to pay his fee. Originally, we were hoping he could help us get the system transferred from Mr. Watts before he passed. Now, many dollars later there is still no State plan on how to move forward no plan on how to move forward with this system. Presumably, that is money that neither the system nor the estate will be able to repay to me, not counting the other money that we have put forward to bring this system into compliance, although I would very much like to be repaid. Most recently, the system needs to spend more funds on a

required EPP that it cannot afford. Someone else needs to take over these responsibilities to ensure the system customers continue to receive service.

We consulted with an estate attorney who says the State of Texas can appoint an administrator for the Estate of Allen Watts. Perhaps that is something you can do without our involvement.

Please let us know where we go from here.

Thank you  
Paul and Linda Royall

**UNSWORN DECLARATION OF ANNE-MARIE REVENBERG**

“On September 1, 2023, on behalf of the Executive Director of the Texas Commission on Environmental Quality, I hand delivered the September 1, 2023, Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the September 1, 2023, Emergency Order set for the October 25, 2023, Commission Agenda to the Utility owned by Linda Royall, Robert Watts, Peggy Parlin, Mitchell Watts, and Shane Watts by affixing a copy of the order to the entrance of the Lago Vista subdivision.”

“My name is Anne-Marie Revenberg and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. 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 Bexar County,  
State of Texas,  
on the 5<sup>th</sup> day of September 2023

A handwritten signature in black ink, appearing to read "Anne-Marie Revenberg", is written over a horizontal line. The signature is cursive and somewhat stylized.

Declarant

## UNSWORN DECLARATION OF BENJAMIN WARMS

“On September 1, 2023, on behalf of the Interim Executive Director of the TCEQ, I sent via Certified Mail Return Receipt Requested (Article No. 7004 2510 0003 9119 1784), and via First Class Mail, postage prepaid to Linda Royall, the September 1, 2023 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the September 1, 2023 Emergency Order set for the October 25, 2023 Commission Agenda.

On September 1, 2023, on behalf of the Interim Executive Director of the TCEQ, I sent via Certified Mail Return Receipt Requested (Article No. 7004 2510 0003 9119 1791), and via First Class Mail, postage prepaid to Robert Watts, the September 1, 2023 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the September 1, 2023 Emergency Order set for the October 25, 2023 Commission Agenda.

On September 1, 2023, on behalf of the Interim Executive Director of the TCEQ, I sent via Certified Mail Return Receipt Requested (Article No. 7004 2510 0003 9119 1807), and via First Class Mail, postage prepaid to Peggy Parlin, the September 1, 2023 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the September 1, 2023 Emergency Order set for the October 25, 2023 Commission Agenda.

On September 1, 2023, on behalf of the Interim Executive Director of the TCEQ, I sent via Certified Mail Return Receipt Requested (Article No. 7004 2510 0003 9119 1814), and via First Class Mail, postage prepaid to Mitchell Watts, the September 1, 2023 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the September 1, 2023 Emergency Order set for October 25, 2023 Commission Agenda.

On September 1, 2023, on behalf of the Interim Executive Director of the TCEQ, I sent via Certified Mail Return Receipt Requested (Article No. 7004 2510 0003 9119 1821), and via First Class Mail, postage prepaid to Shane Watts, the September 1, 2023 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the September 1, 2023 Emergency Order set for October 25, 2023 Commission Agenda.”

“My name is Benjamin Warms and  
I am an employee of the following governmental  
agency: Texas Commission on Environmental Quality.  
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 Travis County,  
State of Texas,  
on the 7<sup>th</sup> day of September 2023



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Declarant