

## EUC Meeting December 11, 2017

### Citizens' Communications

**Frank Zigal** – [Lives on Aspen Street.] He said that there is a small number of people from his neighborhood at the meeting. One of his neighbors called in about her bill, and the first thing she was asked is, “Do you have a swimming pool or a sprinkler system?” She did, so, he said, that was the “end of the conversation”. For him, it is not so much the \$15 that he should be refunded by Austin Water, but the question is “why is this happening?” I’ve not had this happen since 1970. Are the meters being read on a consistent basis, or are they being estimated?

He met with Austin Water last month and AW said they would be looking into it. So he wonders if they are, and might this happen again? You pay \$20 for one month (August), and the next month, September, you are at \$187. There is a problem. With AW’s resources and talent, there should be more of an answer than “we’ll split the difference with you”.

**Ralph Lake** - Thanks to Troxclair’s staff for recommending that I come to this meeting. AW has a serious problem and apparently they don’t have the ability to solve it. Something went terribly wrong this summer with metering and billing. AW has not been able to find a cause and has simply turned its back on the customers, implying that there is no problem. The tacit message that I received from AW from every discussion I’ve had, is that we, the customers, are doing something wrong. The issue will not go away unless it is accepted as a real problem and organized through a root cause analysis that can determine the basic elements of the problem and develop meaningful solutions. The problem is likely a combination of equipment, technical issues, human error driven by changes that occurred in equipment, water delivery reporting procedures, billing, staff, training. Who knows?

One thing is clear: the water usage measurements are wrong and many customers are being significantly overcharged. The stopgap measure of paying for 70% of the error is just masking the problem, unfairly charging the water customers for a problem that will go unsolved until a team is assigned with the capability to determine the root causes, develop solutions and implement corrective action.

I was billed over 10 times my normal monthly rate for August 2017 -- \$485 vs. \$40. They claimed that I used 37,700 gallons, when my normal usage is 3000-5000 gallons. I checked for leaks, but the meter stops when the water is turned off, so there are no leaks. Nothing abnormal happened that month so I know that usage was extremely overstated.

Sometime in early August, I found a yellow notice from the City on my door that stated that they had changed out my meter. I called the City office and explained the situation and was told not to pay my bill until they checked into the issue. I heard nothing back and did not want to incur a late

charge, so I paid my bill, less the water amount, so I would not incur a late penalty. After 8 weeks of back-and-forth, their solution was to charge me \$187 without ever determining what happened. To add insult to injury, I was charged late payment fees. I sent a detailed letter combined with several phone conversations with water department staff, yielding no satisfactory solution. Fortunately, they reduced my bill and basically bought me off without ever finding out what went wrong. I am not happy with paying \$140 settlement and am not confident this will not happen again.

**Delores Neitsch** – There was no way they could read my meter. We went out and took a picture and it was so black you could not read the meter. So I guess they estimated it. I'm not arguing about that if they had done it right. We do have a sprinkler system, and we do not have a leak. I would like to see the machine that they use to tabulate what we use. We get punished and you don't. The City Council said we would get the full amount back if we were overcharged. Your people that talk to us continue to have excuses. There is no excuse if the meter is not read. We were told that we needed to go out and read it. An 82-year-old person cannot pull that up to read it. I think that the person who is supposed to be reading the meter is not reading the meter. And if he doesn't do his job, he shouldn't any longer be doing that job.

**Jon Schiff** – I don't expect anything will come of me speaking tonight simply because several years ago, we had problems with water meter readings. Now, two months after I moved into a new house, I got a bill for \$1600. The bill for the month before was for about \$400 on about 4400 gallons of usage. The \$1600 bill was for 109,000 gallons. The next month, there was a normal amount of usage, about 4000 gallons of usage. Nothing really changed with the month of 109,000 gallons usage. This is a household with two people, ½ acre lot. I do have an irrigation system, but no pool.

I talked to the water people, and the thing that is really insulting is that they act like you're an idiot. I know I'm not the only one because I see it on the news. So for them to act like I'm the only one in the City of Austin is really insulting. I don't even qualify for any rebates because I have not lived in this house for 12 months. So it's very convenient for the water utility, because "sorry, but you really can't appeal anything because you don't have 12 months of bills to show us". Very frustrating. I hope I didn't waste my time here. I hope that they will come up with a solution.

**Carol Biedrzycki** – I am executive director of Texas Rose. I understand that currently there are 1800 water customers that have asked for an administrative review. Now that's a lot; we are not talking about a handful of people who think they have been misbilled.

I looked at the materials that AE provided to you [the EUC], some handouts, and I was disappointed because they seem to concentrate on what the customer is doing wrong. There is

nothing in the Staff handouts that gives the customer the benefit of the doubt, and they should be given the benefit of the doubt. Just because a customer gets a bill that is inaccurate does not mean that the customer has done anything out of the ordinary or unreasonable.

From my experience on the electric side, I know that meters are accurate, but they fail sometimes. And when they fail, they don't make little mistakes, they make big mistakes. Maybe there could be an issue related to spikes in water usage.

Once the data leaves the meter reader, how does it travel through the system, and what are the opportunities there for error? In the electrical area, there are opportunities for data corruption that doesn't have anything to do with meter readers.

**Michael Schaff** – I had a high water bill of \$938 for 68,300 gallons of water, incidentally my first water bill in my new home. My request is that Ordinance 15-9-142 be revised and be retroactive to cover new homeowners who are unjustly carved out since they don't have 12 months' of service.

We bought our house on August 14; we moved into the house on August 31. The water bill covered the dates from August 14-September 15. So we lived in the house 16 days of that period, clocking 68,300 gallons of water for \$938. October bill was 11,500 gallons. November bill was 3000 gallons for a total of \$29.

I obtained water bills dating back to September 2016. On September 20, 2016, the family of 5 that lived there consumed 3800 gallons. Our year-over-year bill for September 2017 was an increase of 18 times. The October 2016 bill was for 3600 gallons vs. our usage of 11,500 for September 2017, a spike of 3 times.

So I ask that the City revise Ordinance 15-9-142 for new customers with protections for the Council's intent for requiring 12 months' usage. You could look at prior use at the property, how many people in the home, and current occupant's usage at former address. I believe that less than 250 adjustments have been approved under [Ordinance 15-9-]142. There probably wouldn't be very many new customers, so not much money would be involved. Thus the justice you would provide for your constituents far outweighs the small cost of adjustment for new customers.

**Vicky Doherty** – I called the City of Austin when I received my bill in August. My water bill was too low. It was 3800 gallons. It's the summer, I have an irrigation system, I live alone. But they said "No, they knew what they were doing, there was nothing wrong with my bill, forget about it".

Next month, I got my bill and it was \$919. I was charged for 67,000 gallons. I live by myself and I have a small Maltese dog. So I called the water company, and they said they do not talk to the customers. I insisted, and when I talked to someone at AW, I pointed out the bill's bar graph for water use. They gave me the name of the person who was going to check on this. They came

and said nothing was wrong. They said there were no leaks. [Ms. Doherty was given the name of a person to call, who told her she had a leak. Ms. Doherty said she did not have a leak, giving the name of the person who came to her house. The person on the phone said that the best she could offer was to allow Ms. Doherty to pay the bill over 2 months. Ms. Doherty said that wouldn't work because she would be charged for 40,000 gallons at \$14.25 [per thousand gallons]]. So splitting the bill is not acceptable.

So I finally gave up and sent them a check for \$1035 in October because I didn't want them to cut off my water. This is unreasonable.

**Barbara Szalay** – [Of Lost Creek] I'm here on behalf of 100's of residents – 40 pages on Next Door of complaints. Basically we believe that bills were estimated in August and caught up on September, putting us under the punitive rates. There are too few meter readers. I think they are estimating. They are required to say [on the bill] when they are estimating; I don't believe that is happening.

Alternatively, the meters are wrong, broken or electric spikes are going through them. If AW and AE can't fix their meters, we must go to a flat rate. When you have a bad bill, your erroneous history becomes your only history. I don't think smart meters are the solution because they have some of the problems as regular meters.

AE/AW must let people know about the adjustment program if they qualify.

Another thing is that if you have a sprinkler system, you are automatically "privileged" and Staff doesn't want to help you.

Staff must make sure that data in their presentations is accurate. Data that was presented as being from Lost Creek addresses had houses that are not actually in Lost Creek.

Fix the August/September charges with refunds and credits, expand the water bill adjustment program, don't give up our rights to hearings. "Resolution" does not mean just closing a file.

**O. T. Greer** – [Lives on Aspen Street in North Austin.] It has been 2-1/2 months that residents on Aspen Street have been trying to get a reasonable explanation of spiked water bills in 2017. On October 13, we had a meeting with Councilmember Casar and 10 employees of AE and AW. I think they understood that we were very frustrated. It's been almost a month since we met with them; an investigation should already have been done.

My wife and I went ahead and paid our bill even though we knew something was wrong. I sent comments with our bill payment, saying that there is no doubt in my mind that our bill has been estimated, causing an escalation of usage in September, thus putting us in a higher bracket and causing us to use more than we should have for the two months. There are at least 9 residents

on Aspen Street where this occurred, maybe more. Ms. Lindell's Statesman article includes a quote from the city saying the City has no explanation, therefore they won't accept responsibility for high bills. The buck stops at the top. The City of Austin hired the contractor. It is almost assured that one of the following has happened:

- A few meters in a grid were read and the rest were estimated;
- The meter reader did not read any of the meters at all. What was the incentive?  
The meter reader could probably estimate all of them in about an hour.

The November 20 Statesman article also says that the meter reader doesn't have previous readings on the meter and so could not even make up a number to make sure that the number wasn't higher than the previous reading. Is the City absolutely sure that the contractor doesn't have access to the readings before being sent to the City? If he doesn't have the readings, that means that the City is the only one to have the previous readings and are estimating the bills. There is no doubt in our minds that the bills are being estimated.

On Aspen Street and nearby areas, meters were supposedly read on September 25 and residents of Ashworth and surrounding streets of Rollingwood were supposedly read on September 27, and they also had spiked water readings.

We understand that by ordinance, an estimated reading should be noted on the bill. We have no doubt that our bills have been estimated and that somebody in the City knows what is happening. They should admit it publicly and assure Austin that it will not happen again. People on Aspen Street have been getting calls asking them to settle. One was offered \$1.75. There were several at the \$15 range, \$27 range. Our offer was for \$23. I requested to have a copy of how the City calculated what it was offering. My average for 12 months was 7700 gallons, so 19,000 gallons was 20% of my yearly usage. I don't know what I used and the City doesn't know. I suggested that the City average the two months and bill me that much for each month. You can see why we were very frustrated with the City.

## EUC Meeting January 22, 2018

### Citizens' Communications

**Richard Wilfong** – Distributed a letter he had sent to Austin Water (AW) on December 12, along with his bill which he paid under protest. It's a bill for almost 26,000 gallons at his residence between Nov. 1 - Dec. 1, 2017. He also provided the bill for the prior period and the subsequent period. The letter was sent "in good faith" over what he considers a gross overcharge. He has received no response. Lives in Fairfield, a part of Circle C Ranch, with only his wife in a one-story house. The neighborhood as a whole is very young, with mostly two-story houses and 2-4 children in many households. Spends 50% of his time living in San Antonio and uses little water there. It seems inconsistent that he would have a bill showing that he uses higher than average for his neighborhood in Fairfield.

**Beverly Villarreal** – She had shared a letter to AW about her request for a public hearing with Commissioners Boyle, Ferchill and Tuttle (November 1). She contacted AW on December 1, and they said they had a large increase in requests for public hearings and would let her know about her hearing request. She said that she is one of the people who began photodocumenting her meter back in June because of information that she got from NextDoor from other neighbors, saying that photo evidence would be needed to fight spikes in water bills. Her August 17 bill showed that she had used an incredibly low amount of water when she was watering her landscape twice a week, while there was little rainfall. She called AW to let them know that her reading was too low, and the customer service rep said that she had never heard of anyone calling in for too low of a reading. The low read was due to a "bogus meter read" in her opinion. She had pictorial evidence from two weeks before the City's meter reading that showed water usage over 6000 more than what was ultimately on her bill.

The meter reading in September was accurate, but it was a "catch-up" read. So if people notice a low water reading, they need to come forward knowing that the low read is going to set them up for a high read the following month.

**Sasha Saustrop** – Has a 15-acre tract in South Austin where they have had water service for just under a year. Their typical use is between \$6 and \$12 a month. There are no improvements on the property, only a couple of water spigots that they use to water a few cows and some wildlife. One month (she thinks it was March), they got a bill that showed that they used 790,000 gallons. It was a \$12,000 bill. She said she doesn't know if the meter is broken, or the meter reader is broken, but certainly the utilities Customer Service is broken. There should be a measure where

a \$12,000 bill in one month would cause the utility to not send out that bill; they might investigate first and find out why that happened. Said that 790,000 gallons would have flooded several of their neighbors. There was no standing water on the property, they've never had to repair any leaks on the property. (10:10 minutes into video) Since then, the bill the next month came back down to \$6. They've tried to contact the utility to let them know that there is some sort of problem. Each time they've contacted the utility, they were told that someone would get back to them in two days. They've never been contacted back by the utility without the owners continually contacting and re-contacting the utility. Said that 790,000 gallons is more than what it takes to fill an Olympic-size swimming pool. The customer is now receiving \$600 late charges each month.

She also noted that there are several months in which she received duplicate bills, but with different amounts on the duplicates; one will have a very high read and the other a very low read.

She said that the utility automatically debited their account. The utility took out \$800 one day, using multiple withdrawals. That could have ruined somebody's life. The outstanding balance at the time of testimony was \$11,235 because they have been paying part of the bill each month. She noted that they are frequently at the property, every day or every two days.

**Doug Keenan** – Resident of Lost Creek. Has been on City of Austin water since 2015. Showed a presentation with his water usage shown. Said that he averages about 6000 gallons, but showed three spike periods. There was a really low month of 2800 gallons in August, and then September spike up to 12,900 gallons, about 4 times as much. During the month that usage spiked, he had turned off his sprinkler system because that is when Hurricane Harvey hit. (The sprinkler system had been on during July, for which he was billed only 2800 gallons.) When he called AW, they said they could send someone out to look for leaks, which is a response that he had gotten before. He was told that AW found no issues, and that everything looked good.

He called Greg Meszaros' office several times and got no response. He finally got a call back from Sarah Blaine. He asked her for the root cause, and Ms. Blaine replied that they didn't know and it would have to be investigated. Mr. Keenan told Ms. Blaine that there had been a lot of service calls in Lost Creek, for low pressure, water line breaks, and that AW trucks have been in their neighborhood repeatedly in the months of August and September, when Mr. Keenan was having all the water billing issues.

He asked Ms. Blaine to investigate, and she said that Mr. Keenan's average use was 7900 gallons and he didn't qualify for any reduction. So, Mr. Keenan filed an appeal for an \$82 refund on December 18. They have gotten no response from AW.

He listed six points: (1) He suspects that no meter reads were performed in August. (2) Spikes lead to punitive overcharging or "tiering". (3) We don't really get a response from the City, so if you want to engage with the City you have to chase them diligently. You have to call them, you have to email them. (4) "When you talk to their reps, they're fairly nonresponsive, and their



standard line is 'We are still investigating' or 'We don't know what it is. That's pretty standard". (5) This group cannot figure out what the root cause is, and yet they are the group that sets the rules about who should get a refund. (6) In private business, if we had a supplier that behaved like this, they would be summarily replaced.

**Kathie Holliman** – [Lives in the Quail Creek neighborhood.] On August 5, she got two utility bills, for two billing periods, which were both printed on July 31. She was charged \$879 for 69,200 gallons for two months' of water service. She immediately called Austin Energy and the lady responding sent her the application for a bill adjustment. She received a credit of \$167.73. She appreciates the refund, but she wants information on how that was calculated and whether they can appeal the amount. (20:00 minutes into video) She provided a spreadsheet of usage for two years. She has a large lot, but doesn't have a pool, hot tub, or sprinkler system. She has a very small front yard that she waters by hand with the hose. They don't water the rest of the lot. They have lived in the house for 39 years. There were no leaks, no repairs. Only she and her husband live in the house. She is hoping that they can find out what is happening with the billing and maybe get a little bit of a refund. She has paid the whole bill. In fact, she paid the bill in advance and ended up with a \$500 credit, but had to pay more than that credit for her current bill.

**Charmaine Skillman** – [Lives in South Austin in an area called the Estates of Bauerle Ranch.] Lives in home with two adults and has lived there for 12 years. Starting in January 2017, her recorded usage was "dramatically low"; in January the usage was zero. In February it was 100 gallons, in March it was zero, in April it was 300 gallons. She noted that these were daily usage for many households, not monthly usage. In May, usage spiked up to 4200 gallons. In June, 300 gallons. In the last 13 months, she has had 6 months billed under 500 gallons, including being billed for zero gallons in January 2018. She said she is very aware of her usage patterns and these bills are not correct.

Although it is against her own self-interest to testify, she is concerned by the testimony of others and by articles in the newspaper, and could not in good conscience let her circumstance continue. She is aware of "flagging" low use and meter readers taking photos of flagged meters, but considers that approach not working because she should not still be getting a zero bill. She doesn't think the flagging processes are working correctly. The City needs to dig a little bit deeper; it is not fair for customers to be overcharged, and she does not think it is fair for anyone when she herself is underbilled. The City coming out and looking at the meter is not going to tell them everything in this situation. "Common sense tells you that this isn't the correct situation". Also, she is afraid that at some point she will end up getting an enormous bill to make up for the underbilling.

In answer to a Commissioner question, she said that when she got a bill of 100 or 300 gallons, she read the meter and it corresponded to the usage shown on her bill. In some months her usage went up to 4000, 6500 gallons so she doesn't know that the meter is faulty.



**Barbara Szalay** – She wanted to address the culture at Austin Water and Austin Energy – “the erosion of trust and their combative attitude”. She said that one thing they do is to blame things on Council, such as saying that it’s the Council’s fault that a water bill adjustment requires a 12-month history, or that you have to have three times [normal usage] to get an adjustment. Even if this is so, it does not absolve AW/AE from their duty.

“They isolate consumers”; “Oh, you’re the only person in Austin that has this problem, no one has ever called with this problem before”.

“They pick apart our arguments”. She said the customer can say 99 things right, but if they get one thing wrong, Staff seizes on that and talks about it at length. Even if the consumer gets one thing wrong, Staff still needs to address customer arguments.

“You wear us down with a laundry list of questions.

The nomenclature: if we ask questions, it’s an ‘escalation’. If Austin Water closes a file for any reason, it’s a ‘resolution’. (30:21 minutes into video)

They show a lack of respect. How many times have I heard from residents who wrote letters – I read their letters – they said they’ve had a plumber out, there’s no leak, only to have the canned response, ‘We can send someone out to do a leak check.’ Leaks don’t fix themselves, leaks aren’t always the answer. Austin Water needs to at least read the letters that come to them.

They disparage people. Two times now, two separate people have told us that if we have sprinklers we are privileged, and they don’t like to help people with sprinklers. That was unacceptable to hear it one time, it is horrendous to hear it a second time from a different Water staffer.

The bad history becomes your only history.

Austin Water is condescending and repetitive. The list of questions ... they ask you twice. If you have a pool ... If you had a pool on “Question 4”, you still don’t have a pool three minutes later. I showed that to everybody from Austin Water and they all, without exception, said ‘Oh, it just seems like you hear the question twice because we ask that list over and over again.’ No that’s another problem. It is asked twice, and they showed an unfamiliarity with their own laundry list, which was the only backup they provided last time.”

**Frank Zigal** – Wanted to know the answer from Austin Water from the last time he was at the Commission. He hasn’t gotten an answer for six months. He still wants to know why water bills spiked on one occasion in various parts of town. He finds that unacceptable. He said he was not testifying for the money, but rather because something needs to be fixed. If he had not had an answer in working for industry, he would not have had a job after six months.

"This is amateur."

All he wants is to know what the problem was and if it has been fixed. Otherwise, three months from now this could happen again. "I don't need \$46, which Tiffany Webb offered me."

**O. T. Greer** – It's been almost five months since residents from various neighborhoods complained about spiked water meter readings in September. The City has said "they do not know the cause of high meter readings and therefore will not be responsible for the high bills that residents have been receiving."

On November 13, residents from his area met with Councilmember Casar and 10 members of Austin Water and Austin Energy, presumably those in management. Heritage Hills to the east of his neighborhood also met with Councilmember Casar, and about 35-40 residents turned out for the meeting. No one has heard "one word" since. About three weeks ago, Mr. Greer sent an email to Casar's office requesting another meeting and has not heard back. He said that many people that met with CM Casar and Staff have received offers for refunds, but not near what they think they overpaid. Mr. Greer was offered \$23, with which he was not satisfied, and he asked for a calculation of how they came up with the \$23. He did get that calculation, then got a call two weeks later saying he would get \$39 refund.

Mr. Greer then asked for documentation on the second refund amount, and he said he received that but it was the exact same documentation that he had received for the \$23 refund. Mr. Greer was told that this was the amount he was going to get, and if he didn't like it he should go to a hearing. He wonders if others in his area were offered refunds if they had not complained.

He also sent a letter to the Interim City Manager and encouraged her to watch the tape of the December 11 EUC meeting. He has heard nothing back. He said he also sent information to all the councilmembers and the Mayor and he has not heard anything back from them. He thought that the heads of Austin Energy and Austin Water should have had this problem solved three months ago. (39:30 minutes into video)

**Sean Kelly** – Lives in Lost Creek with his wife. He had already filed complaints at the Commission last summer. "I used to be in the military, and I understand CYA, and this is what is happening here." He said that he and his wife have a unique test case. They are presently living in a leased house because they vacated their own nearby house, June 1, 2017. He said that in the vacated house, the water bills went up over the summertime while there is no one living there. He called the City and they sent a meter reader out, who checked the meter and left a note saying that there were no leaks and that everything tested out fine. At the same house, wastewater tripled in volume, and then it dropped in August and went back up in September and stayed stable. So he thinks he has excessive wastewater bills in an empty house for nine months.

In the leased house, his wastewater volume is 500 gallons a month, but 7500 gallons for water in August, and 46,200 gallons in September. He said they paid a \$400 surcharge on their \$600 water bill in September. They kept paying excessive bills. He said that "someone needs to fix this".

## EUC Meeting February 26, 2018

### Citizens' Communications

**Barbara Szalay** – Expressed her appreciation for work done by the EUC. Said she had not seen as much support on the Water and Wastewater Commission. “We have had a severe erosion of trust in our relationship as consumers with Austin Water and Austin Energy. And as you know, much due to your efforts, we had a live conference apology. This was a personal vindication for me because since 2015 when our neighborhood was annexed, we suffered a lot of indignities. We were told that we were water wasters, that we had never had tiers before and were presented with a lot of data in front of Council that seemed to show on its face that we were watering four and five times a week. It turned out that none of the addresses were from Lost Creek. So Council was being given absolutely erroneous information. That was very hurtful. So this is a vindication.

I am glad that Austin Water and Austin Energy fixed the laundry list, finally read it as a consumer. I had to point out that you were asking twice if we had a swimming pool. So I'm glad that they are working on that. They are finally listening to us. Taking photographs ... that's a great thing too.

I attended the Energy Oversight at Council. I heard a lot of praise for Austin Energy and Austin Water. Keep in mind that this was prior to the apology. I want the high rates investigated. We have the highest in the nation according to some of the consumer articles. Austin Water and Energy maintain that “these are average”. They're not looking at the base rates, they're not looking at the tiered charges, the fees. Councilmember Troxclair said “Why aren't you including the fees?” And Austin Energy said, “Well, lots of communities don't have fees.” And she said “That's precisely my point”. So look at the whole bill please.

I am still in favor of an outside hearing examiner, and an outside audit. In the future, don't blame it on the weather unless the data supports that. Don't rely too much on smart meters. Greg Meszaros has said rocks can interfere with that. I know there are a lot of advantages too for the consumer, but they're expensive. Don't switch meter readers in the summer. Take care of the consumers, including those that have zero usage several times in a row. Tonight, Austin Water and Austin Energy, Commissioners asking a question, I would like to ask you to answer the questions openly and honestly, no deliberate misunderstandings of questions. That has gone down in the last month, but there was a big problem in December. No evasiveness. And I would ask them to expand the history period if a consumer has that available when we're determining high/low triggers. Basically I'm asking to restore our trust, value it, and don't be so quick to lose it again.”

**Richard Wilfong** – Referring to his testimony at the EUC last month in protest of a bill, Mr. Wilfong said that he received a call the following day from Mark Johansen, who claimed that he knew

nothing about Mr. Wilfong's letter of bill protest. Mr. Wilfong explained that his letter was folded around his check to the City in payment of the protested bill. Mr. Johansen said he would get a copy of that letter from the Commission (which had been provided copies of the protest letter). Mr. Wilfong was urged to go to the website and fill out an application for a non-leak water bill adjustment to seek a refund on the protested bill. Mr. Wilfong found the form "appalling". It has three criteria at the beginning for eligibility, all of which Mr. Wilfong considered "uncalled-for inappropriate". What he found most concerning about the form, however, was a bold-faced-printed requirement at the bottom of the form requiring the applicant to waive their right of due process under the Constitution, and make themselves "entirely subject to the discretion of the director of the utility to do whatever he believed was appropriate, including nothing, and there was no recourse from that action". Mr. Wilfong then called Mr. Johansen back and pointed out that he has been a public utility lawyer for 25 years and has never seen anything like that paragraph with any utility in his career, and said that he would never sign anything like that as a matter of principle.

The next day, Mr. Wilfong requested an administrative hearing on January 23. On January 25, he got an email from the Hearings Office at AE saying they wanted a more specific explanation of Mr. Wilfong's complaint. Mr. Wilfong sent a reply email on January 28 explaining the specifics of his bills and that he had been encouraged to seek an adjustment, and that he found the language of the appeal form requiring the applicant to waive his Constitutional due process rights "unconscionable", and that was the reason that he requesting a hearing. On January 29, he received a notice that his hearing request had been received, and that he would receive a follow-up email initiating the scheduling process once it had been determined that the account was eligible for a hearing. After a month, there has been no further communication.

He was an Administrative Law Judge for the State Office of Administrative Hearings and heard many electric utility cases in the State of Texas, as well as water cases when those were administered by TCEQ. In all his years of experience, he said he never saw "the kinds of things that come forth from the Austin Water Utility". He said it was high time for the EUC to exercise its oversight and direct the Utility to conform with good utility practices.

**Commissioner Boyle** – Informed Mr. Wilfong that a Working Group had been formed jointly between the EUC and WWWC and they would look at the issues that Mr. Wilfong raised.

## EUC Meeting March 19, 2018

### Citizens' Communications

**Barbara Szalay** – (8:37 minutes into video) She said that the water bill process was much improved over previous months. There have been customer service improvements and commitments to continue improvements, to have empathy as a part of the process; a commitment to improve the “laundry list” of questions asked to customers that has been discussed at previous meetings (e.g., asking customers the same question more than once) removing redundancies; they have photos of every meter read. She recognized that the photo reads are an expensive change, but thought it was necessary given the “shattered trust, when people have lost all faith in whether the bills are correct or not”. She said that communication has improved, and that the customers had a commitment from Staff to lower the rates and to freeze those rates for two years.

Ms. Szalay said there are still areas to work on, including an independent hearing examiner review. She believes that Council has said that will happen if the rates change, either going up or down. She believes that review will shed light on issues that are still not transparent enough. She also said that there was a need for holistic review of the rates, given reports that AW rates went up the most in the country, over 30% in recent years. There needs to be a look at the tiers and fees as well as bottom-tier rates.

She cautioned that customers should not be over-reliant on electronic metering because there are problems with those meters as well as the current meters. Austin Water and Austin Energy need to continue to answer questions honestly and without evasion; she said their effort has only been a 65% effort. And Staff needs to make sure that all testimony to the Commission and Council is truthful.