

From: [Wakileh, George](#)
To: [Gordon Cranner](#)
Cc: [Customer Service-2](#)
Subject: Contacting you as the attorney for Grand Lakes MUD No. 2
Date: Thursday, July 8, 2021 11:02:52 AM

Gordon C. Cranner
Schwartz, Page & Harding, L.L.P.
1300 Post Oak Blvd., Suite 1400
Houston, Texas 77056
T: (713) 407-2069
F: (713) 623-6143
E: gcranner@sphllp.com

Mr. Cranner,

Grand Lakes MUD No. 2 charges a monthly fee of \$10 for sewer when the water bill is zero. There is clearly a hole in the software that needs to be fixed. When asked to refund all amounts that fall into such category, Grand Lakes MUD No. 2 refused under the false claim that the Board treats all equally. Requesting them to furnish the law that entitles them to this fee, nothing was disclosed. Upon requesting the name and contact info of the individual at the Board that I may contact, I was asked to contact you.

The question becomes: Who is this entity, why is it operating in secrecy, and who are the Board members? It is also not understood what equal treatment Grand Lakes MUD No. 2 talks about when it is getting money that it is 100% not entitled to. This is unlawful and will not be allowed by the courts.

Kindly instruct Grand Lakes MUD No. 2 to refund all \$10 monthly fees they charged when the water and sewer systems were not used at all. If defiance and denial persists, kindly provide the law or legal/contractual text that entitles Grand Lakes MUD No. 2 to charge a \$10 monthly fee when water consumption is zero and the water and sewer systems are not used at all.

On copy is Customer Service at MDS Water which has been the interface to the Grand Lakes MUD No. 2 through this complaint.

This matter must be handled urgently. Several months have already been lost while Grand Lakes MUD No. 2 provided no answers at all.

Sincerely,

George J. Wakileh, Ph.D.
6819 Rosemont Park Lane
Katy, TX 77494

From: [Gordon Cranner](#)
To: george.wakileh@gmail.com
Cc: [Customer Service-2](#)
Bcc: [Melja Berry](#)
Subject: RE: Contacting you as the attorney for Grand Lakes MUD No. 2
Date: Thursday, July 8, 2021 12:06:00 PM
Attachments: [Rate Order of 12-21-2020.PDF](#)

Hello Dr. Wakileh,

We are the attorneys for Grand Lakes Municipal Utility District No. 2. MDS informed us of your correspondence and I asked them to pass along my contact information as I may be better able to answer some of your questions. To answer your questions directly, the “entity” is Grand Lakes Municipal Utility District No. 2, a political subdivision of the State of Texas. The District is run by its Board of Directors, who are elected and who hold monthly meetings that are open to the public, with notices of each meeting publicly posted pursuant to all applicable laws. The next meeting is scheduled for July 19 at 11:00 am, and is being held telephonically due to COVID-19 and pursuant to the governor’s emergency declaration. The agenda for that meeting has not yet been prepared, but I will be happy to make sure you get a copy as soon as it is available if you would like. Please note that there is a public comment period at the beginning of the meeting where any member of the public is allowed to address the board, but this period is limited in duration, so if you plan to attend please plan to attend for the start of the meeting to participate, though all are welcome to observe (or currently listen to) the remainder of the meeting. I am unable to grant your request that I instruct the Board to do anything, as any District decisions are theirs to make.

Residents who receive services from the District are charged pursuant to the District’s Rate Order, as the same may be amended from time to time, a copy of which is attached here. The District operates pursuant to Chapters 49 and 54 of the Texas Water Code, and subject to rules promulgated by the Texas Commission on Environmental Quality (TCEQ) in Texas Administrative Code Chapter 293. Of particular interest to this discussion are Texas Water Code Chapter 49 Section 212 which states that the District may adopt all necessary charges and fees for the provision of District services, and Chapter 49 Section 2122 which allows the District to charge different classes of customers different rates based on factors the board deems appropriate (such as commercial vs. residential customers, and the type of service being provided).

As you may or may not know, the District owns and operates the water and sewer facilities that serve the property within its boundaries and there are expenses related to the repair, maintenance and operation of the facilities. The \$10 monthly charge for sewer service is not a charge based on usage, unlike water service. It is not practical to meter sewage flow at a residential level due to the nature of sewage, so a flat fee is charged, unlike water. This flat fee entitles the property to capacity in the sewer system, which is limited. Whether the property utilizes the capacity or not is not relevant because the District could use this capacity elsewhere, and charge for it, if it was not allocated to your property. When MDS talks about treating people equally, they mean that the District has decided to implement a fee on all residential customers who receive sewer service. The District is not legally allowed to charge one customer in the same “class” but not another, or to charge them at different rates, which means that the Board must charge you the \$10 pursuant to the Rate Order, or else all other residential customers would be able to claim unequal treatment because they were charged but not you.

As MDS has indicated to you, you are welcome to deactivate your account at any time and there is no fee to do so. If you desire to reconnect in the future, the cost is \$25 so long as your

account is not delinquent. Further information on all fees and charges is available in the Rate Order. Finally, I cannot speak to why electric utilities do not charge a deposit, they are governed under a completely different regulatory regime and there is no overlap with water districts. Please let me know if I have answered your questions, if you need or would like additional information, and if you plan to attend the next meeting so that I can ensure you are provided with an agenda and dial-in information. I am also available by phone to discuss with you directly.

Thank you,

- Gordon

GORDON C. CRANNER

SCHWARTZ, PAGE & HARDING, L.L.P.

1300 Post Oak Blvd., Suite 1400

Houston, Texas 77056

Telephone: (713) 407-2069

Facsimile: (713) 623-6143

Email: gcranner@sphllp.com

From: Wakileh, George <george.wakileh@gmail.com>

Sent: Thursday, July 8, 2021 11:03 AM

To: Gordon Cranner <gcranner@sphllp.com>

Cc: Customer Service-2 <customerservice2@mdswater.com>

Subject: Contacting you as the attorney for Grand Lakes MUD No. 2

Gordon C. Cranner

Schwartz, Page & Harding, L.L.P.

1300 Post Oak Blvd., Suite 1400

Houston, Texas 77056

T: (713) 407-2069

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E: gcranner@sphllp.com

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Kindly instruct Grand Lakes MUD No. 2 to refund all \$10 monthly fees they charged when the water and sewer systems were not used at all. If defiance and denial persists, kindly provide the law or legal/contractual text that entitles Grand Lakes MUD No. 2 to charge a \$10 monthly fee when water consumption is zero and the water and sewer systems are not used at all.

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Sincerely,

George J. Wakileh, Ph.D.
6819 Rosemont Park Lane
Katy, TX 77494

From: [Wakileh, George](#)
To: [Gordon Cranner](#)
Cc: [Customer Service-2](#)
Subject: Re: Contacting you as the attorney for Grand Lakes MUD No. 2
Date: Friday, July 9, 2021 5:08:26 PM
Attachments: [We sent you safe versions of your files.msg](#)
[20210709 LE-GW-MUD2.pdf](#)

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Mr. Cranner,

Attached is the letter. You can possibly email it to the Secretary, Mr. Greg Henry, right away. If the Board of Directors decides that they are not authorized to act, they could possibly escalate the matter to the competent authority, presumably the Public Utility Commission of Texas in Austin, without having to wait until the next Board meeting.

Thanks for your assistance.

Sincerely,

George J. Wakileh, Ph.D.

George J. Wakileh

6819 Rosemont Park Lane, Katy, TX 77494, USA • george.wakileh@gmail.com

Grand Lakes Municipal Utility District 2*
1300 Post Oak Blvd, Ste 1600
Houston, TX 77056 - 3043

* through its Board of Directors: Mike McClusky, President; J. Scot Vann, Vice President; Greg Henry, Secretary; Brad Baker, Assistant Secretary; and Tammy Fruge, Director.

July 9, 2021

Dear Sir / Madam,

I own the residence 6819 Rosemont Park Lane, Katy, TX 77494. For over three years I have been charged a \$10 monthly fee for the sewer system when my house is locked, not used by anybody, water consumption is zero, no water flows into the drainage system, and no sewage/waste flows into the sewer system. The Water Company (MDS Water) has also provided me with wrong information saying that it is cheaper to pay the \$10 monthly fee than to disconnect the service and pay a \$150 fee when requesting reconnection.

No amounts are due on my account. The annual Grand Lakes MUD#2 tax, which pays for the infrastructure and repairs/maintenance, has also been paid in full since 2008. This tax amounted to \$1300 in 2008 going down year after year to \$412 in 2020.

The claim that the fee is justified because I am holding capacity that could be sold to others is unreliable. To the contrary, by not discharging sewage/waste into the sewer system I am freeing up capacity that can be used elsewhere.

Regardless of what Section 3.03 of the Rate Order reads, I am of the firm belief that neither the Water Company nor the Municipal Utility District is entitled to the \$10 monthly fee when water consumption is zero (such that that the sewer system is not used). Requesting the Water Company to refund such fees, they refused and engaged attorney Gordon C. Cranner of Schwartz, Page & Harding, LLP, 1300 Post Oak Blvd, Suite 1400, Houston, TX 77056. Mr. Cranner advised that he is not able to order a refund of the fees.

Against the preceding background, I am kindly asking the Board of Directors to:

1. Request the Water Company to refund all \$10 fees I was charged when my water consumption was zero.
2. Amend Section 3.03 of the Rate Order such that the \$10 monthly sewer fee is nullified when water consumption is zero. Alternatively make the monthly sewer fee charged to residential customers proportional to water consumption.

This request is fair and reasonable. If the Board of Directors is, however, not authorized to act as requested, you are kindly asked to escalate the request to the competent authority, presumably the Public Utility Commission of Texas in Austin.

Thank you for your consideration. I look forward to hearing from you.

Sincerely,

George J. Wakileh, Ph.D.

NB: I am a US citizen and the owner of the property mentioned above. Due to my presence outside the USA at the moment, I am kindly asking that the answer be emailed to george.wakileh@gmail.com.

From: [Gordon Cranner](#)
To: [Wakileh, George](#)
Cc: [Customer Service-2](#)
Subject: RE: Contacting you as the attorney for Grand Lakes MUD No. 2
Date: Friday, July 9, 2021 9:18:00 AM

Dr. Wakileh,

I will be happy to pass along your written complaint to the board for discussion at this month's meeting.

- Gordon

GORDON C. CRANNER

SCHWARTZ, PAGE & HARDING, L.L.P.

1300 Post Oak Blvd., Suite 1400

Houston, Texas 77056

Telephone: (713) 407-2069

Facsimile: (713) 623-6143

Email: gcranner@sphllp.com

From: Wakileh, George <george.wakileh@gmail.com>
Sent: Thursday, July 8, 2021 6:21 PM
To: Gordon Cranner <gcranner@sphllp.com>
Cc: Customer Service-2 <customerservice2@mdswater.com>
Subject: Re: Contacting you as the attorney for Grand Lakes MUD No. 2

Hello Mr. Cranner,

Thank you very much for your answer and for providing the Rate Order. Here are my notes:

- All customers including myself pay-in addition to the monthly water bill-an annual Grand Lakes MUD#2 tax. In my case this tax amounted to \$1300 in 2008 going down year after year to \$412 in 2020. This pays for the infrastructure and repairs/maintenance.

- The note that other customers can claim the \$10 monthly sewer fee does apply **only** if they can prove that their water consumption is zero. It is very likely that this situation does not apply to anyone but me in the whole Grand Lakes. Why? Because: **my house is locked, not used by anybody**, water consumption is zero, no water flows into the drainage system, and no sewage/waste flows into the sewer system. I am just unable to sell the house right now due to a personal matter.

- The 'reserve capacity' fee makes no sense at all. When no sewage flows into the sewer system, I am not holding any capacity that can be sold to others. To the contrary, I am freeing up capacity that can be used elsewhere. To charge me this \$10 monthly fee is like Consolidated Communications also imposing a monthly charge on me under the claim that I am not using their TV/Phone/Internet services which they could sell to someone else.

- Before I was told that if I disconnect the service, I will have to pay \$150 when requesting

reconnection such that it was costly to disconnect. Water is not and must never be used as a commodity, threatening the public with fees and disconnection and and and. Charging the public a \$150 to get water service-even if just for the first connection request-is unfair and arbitrary.

- I want to submit a very brief written complaint to the Board of GL MUD#2 explaining my status and asking them to amend 3.03 in the Rate Order such that "a residential customer whose water bill is zero (house is locked) such that waste is obviously not discharged into the sewer system, shall not be charged the \$10 sewer system monthly fee." This is a fair and reasonable request regardless if others benefit from it or not. The GL MUD#2 Board of Directors is obliged to entertain the request and respond to it. If you cannot submit this request, which email can I send it to? Thanks.

Sincerely,

George J. Wakileh, Ph.D.

From: [Wakileh, George](#)
To: ghenry@xpernet.com
Cc: [Gordon Cranner](#); [Customer Service-2](#)
Subject: Secretary of the Board of Directors of Grand Lakes MUD No. 2
Date: Saturday, July 10, 2021 6:26:13 AM
Attachments: [We sent you safe versions of your files.msg](#)
[20210709 LE-GW-MUD2.pdf](#)

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Subject: Monthly sewer fees when a residential property is locked (not used) and the water consumption is zero

Hello Mr. Henry,

I am addressing you in your capacity as Secretary of the Board of Directors of Grand Lakes Municipal Utility District 2. Yesterday evening I sent the attached letter to Mr. Cranner of Schwartz, Page & Harding, LLP, who promised to help bring the matter to the Board.

By writing to you today, I wanted to close the loop and-hopefully-expedite a matter that has been in discussion for many months without progress or resolution. If the Board decides that they are not authorized to act on this matter, then there is no reason to wait until the next Board meeting. The Board can escalate the matter to the competent authority, presumably the Public Utility Commission of Texas in Austin. And if I need to bring the matter directly to PUC-Texas, please advise soonest.

I must emphasize that I am fighting this issue on points of principle and law. Thank you for taking the time to look into this matter, discuss it with the Board, and respond at your earliest convenience, when a plan of action becomes clear.

Sincerely,

George J. Wakileh, Ph.D.

George J. Wakileh

6819 Rosemont Park Lane, Katy, TX 77494, USA • george.wakileh@gmail.com

Grand Lakes Municipal Utility District 2*
1300 Post Oak Blvd, Ste 1600
Houston, TX 77056 - 3043

* through its Board of Directors: Mike McClusky, President; J. Scot Vann, Vice President; Greg Henry, Secretary;
Brad Baker, Assistant Secretary; and Tammy Fruge, Director.

July 9, 2021

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The claim that the fee is justified because I am holding capacity that could be sold to others is unreliable. To the contrary, by not discharging sewage/waste into the sewer system I am freeing up capacity that can be used elsewhere.

Regardless of what Section 3.03 of the Rate Order reads, I am of the firm belief that neither the Water Company nor the Municipal Utility District is entitled to the \$10 monthly fee when water consumption is zero (such that that the sewer system is not used). Requesting the Water Company to refund such fees, they refused and engaged attorney Gordon C. Cranner of Schwartz, Page & Harding, LLP, 1300 Post Oak Blvd, Suite 1400, Houston, TX 77056. Mr. Cranner advised that he is not able to order a refund of the fees.

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Thank you for your consideration. I look forward to hearing from you.

Sincerely,

George J. Wakileh, Ph.D.

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From: [Gordon Cranner](#)
To: [Wakileh, George](#); ghenry@xpernet.com
Cc: [Customer Service-2](#)
Subject: RE: Secretary of the Board of Directors of Grand Lakes MUD No. 2
Date: Saturday, July 10, 2021 11:18:00 AM

Good morning Dr. Wakileh,

So that you are not waiting on a response from Director Henry I wanted to let you know that Director Henry is legally unable to speak on behalf of the District regarding your letter at this time. Any District decisions must be made by a quorum of Board members (in this case at least 3 out of the 5 Directors) at a duly called and noticed Board meeting. This is not a policy of Grand Lakes Municipal Utility District No. 2, these are legal requirements that all similar government organizations must follow in Texas. As I mentioned in our prior communications, the next meeting is scheduled for July 19, and the Board will address your concerns at that time.

I do want to clarify one item that you mentioned in your letter. As I mentioned previously, our law firm are the attorneys for Grand Lakes Municipal Utility District No. 2, not for MDS. MDS has not engaged our firm for legal services. Both our firm and MDS are consultants with whom the District contracts to help the District perform its governmental functions of providing water, sewer, and drainage services.

Thank you,

- Gordon

GORDON C. CRANNER

SCHWARTZ, PAGE & HARDING, L.L.P.

1300 Post Oak Blvd., Suite 1400

Houston, Texas 77056

Telephone: (713) 407-2069

Facsimile: (713) 623-6143

Email: gcranner@sphllp.com

From: Wakileh, George <george.wakileh@gmail.com>
Sent: Saturday, July 10, 2021 6:26 AM
To: ghenry@xpernet.com
Cc: Gordon Cranner <gcranner@sphllp.com>; Customer Service-2 <customerservice2@mdswater.com>
Subject: Secretary of the Board of Directors of Grand Lakes MUD No. 2

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Subject: Monthly sewer fees when a residential property is locked (not used) and the water consumption is zero

Hello Mr. Henry,

I am addressing you in your capacity as Secretary of the Board of Directors of Grand Lakes Municipal

Utility District 2. Yesterday evening I sent the attached letter to Mr. Cranner of Schwartz, Page & Harding, LLP, who promised to help bring the matter to the Board.

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I must emphasize that I am fighting this issue on points of principle and law. Thank you for taking the time to look into this matter, discuss it with the Board, and respond at your earliest convenience, when a plan of action becomes clear.

Sincerely,

George J. Wakileh, Ph.D.

From: [Wakileh, George](#)
To: [Gordon Cranner](#)
Cc: ghenry@xpernet.com; [Customer Service-2](#)
Subject: Re: Secretary of the Board of Directors of Grand Lakes MUD No. 2
Date: Saturday, July 10, 2021 12:15:55 PM

Good afternoon Mr. Cranner,

I did not ask for anything outside the norms. The Board knows what they are authorized to work with and what they need to refer to the PUC. That was my point-that if the Board cannot work with this matter because competence lies with the PUC, to avoid the wait and let me know. The authority/competence to work with certain matters or not is a procedural matter and I believe that the Board should be able to respond to it issue outside its scheduled meetings. As an example, this is how courts address procedural matters.

In any case, July 19 is very close and it is hoped that the Board will address the issue as a whole by then and let me know.

Thank you all.

Sincerely,

George J. Wakileh, Ph.D.

From: [Wakileh, George](#)
To: gghenry@xpernet.com; [Gordon Cranner](#)
Cc: [Customer Service-2](#)
Subject: Board of Directors of Grand Lakes MUD No. 2
Date: Sunday, July 11, 2021 2:29:07 PM
Attachments: [We sent you safe versions of your files.msg](#)
[20210711 LE-GW-MUD2.pdf](#)

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Subject: Monthly sewer fees when a residential property is locked (not used) and the water consumption is zero

Mr. Henry and Mr. Cranner,

The attached brief comments on Section 3.03.of the Rate Order. Thank you for accommodating it. I will not be bothering you any further.

Sincerely,

George J. Wakileh, Ph.D.

George J. Wakileh

6819 Rosemont Park Lane, Katy, TX 77494, USA • george.wakileh@gmail.com

Grand Lakes Municipal Utility District 2*
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Houston, TX 77056 - 3043

* through its Board of Directors: Mike McClusky, President; J. Scot Vann, Vice President; Greg Henry, Secretary; Brad Baker, Assistant Secretary; and Tammy Fruge, Director.

July 11, 2021

Dear Sir / Madam,

Further to my letter of July 9, 2021, and not knowing the origin of the Rate Order used by the Grand Lakes Municipal Utility District 2, I—as a Residential Customer and Complainant—would like to account for the legal interpretation of Section 3.03 of the Rate Order, which reads:

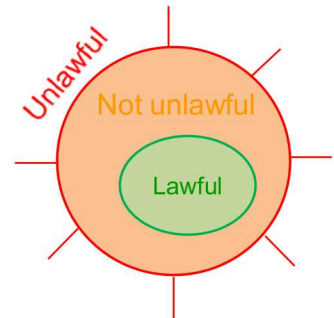
Monthly Rate for Residential Sanitary Sewer Service. The following rate per month, or any part thereof, shall be charged for Residential sanitary sewer service furnished by the District to each Customer Connection in every instance in which a different charge is not expressly and clearly provided for herein:

Monthly Flat Rate \$10.00;

provided, however, that said rate shall not be charged to a Customer Connection which is installed for use for an irrigation system only and which does not discharge waste into the Sanitary Sewer System.

The \$10 monthly sewer fee charged to Residential Customers that do not discharge waste into the Sanitary Sewer System is unlawful because:

(a) That the \$10 monthly fee shall not be charged to an Irrigation Customer Connection that does not discharge waste into the Sanitary Sewer System, does not mean that it shall be charged to a Residential Customer that does not discharge waste into the Sanitary Sewer System. Only when the charge is stated explicitly in the affirmative as applicable to a specific Customer Connection, can the Water Company impose that charge on that Customer. Though it could seem philosophical, the diagram helps explain this concept—'not unlawful' is never the same as 'lawful'.



(b) It must be indisputable that a Residential Customer that has a zero-consumption water bill (i.e., does not discharge water into the drainage system) does not discharge waste into the Sanitary Sewer System. So the question becomes: why would such customer in such instance be charged a \$10 monthly fee for the Sewer System?

(c) A Residential Customer that does not discharge waste into the Sanitary Sewer System does not hold any capacity that could be used by (sold to) others. To the contrary, by not discharging sewage/waste into the sewer system that Customer is freeing up capacity that can be used elsewhere.

(d) The annual Grand Lakes MUD#2 tax imposed on Complainant and all other Residential Customers pays for the infrastructure and repairs/maintenance.

Thank you for accommodating this brief. I look forward to hearing from you.

Sincerely,

George J. Wakileh, Ph.D.

From: [Gordon Cranner](#)
To: george.wakileh@gmail.com
Cc: [Melia Berry](#)
Subject: Grand Lakes Municipal Utility District No. 2 - 6819 Rosemont Park Lane
Date: Friday, July 23, 2021 12:22:00 PM

Dr. Wakileh – At its meeting on July 19, 2021, the Board of Directors of Grand Lakes Municipal Utility District No. 2 considered the communications that you sent for its review following its initial determination in regards to your request related to the charges imposed pursuant to the District’s rate order. After consideration and discussion, the Board declined to change its initial decision on the charges and declined to amend the District’s rate order pursuant to your request. As you note, the Texas Public Utility Commission has appellate jurisdiction related to decisions of the District affecting water, drainage, and sewer rates. The relevant provision, Section 13.043 of the Texas Water Code, outlines the process and requirements for such an appeal.

Thank you,
• Gordon

GORDON C. CRANNER
SCHWARTZ, PAGE & HARDING, L.L.P.
1300 Post Oak Blvd., Suite 1400
Houston, Texas 77056
Telephone: (713) 407-2069
Facsimile: (713) 623-6143
Email: gcranner@sphllp.com

From: [Wakileh, George](#)
To: [Gordon Cranner](#)
Cc: [Melia Berry](#)
Subject: Re: Grand Lakes Municipal Utility District No. 2 - 6819 Rosemont Park Lane
Date: Friday, July 23, 2021 1:26:29 PM

Dear Mr. Cranner,

Thank you. I will certainly appeal, but the appeal must always be based on a written, signed decision - in this case from the Board of Directors of Grand Lakes Municipal Utility District No. 2.

I did not receive anything formal, not from this July 19 meeting and not from the previous one (June 28). Kindly send the two decisions at your earliest convenience. If separate decisions were not drafted, where are the decisions documented? Are the decisions documented in the Meeting Minutes?

Kind regards,

George J. Wakileh, Ph.D.

From: [Gordon Cranner](#)
To: [Wakileh, George](#)
Cc: [Melia Berry](#)
Subject: RE: Grand Lakes Municipal Utility District No. 2 - 6819 Rosemont Park Lane
Date: Friday, July 23, 2021 1:41:00 PM

Dr. Wakileh – There are no formal decision documents as such. There are formal minutes that are drafted following a meeting and approved at a later meeting, following which they are signed. Due to the COVID-19 pandemic there is some delay in having documents physically executed after they are approved, but the June minutes have been approved and sent for execution. The minutes of the July meeting will not be executed until the Board’s meeting in August. We will send you a copy of the final executed June minutes once we have them. However, both the original communication to you from MDS on June 29th and my email today serve as notification of final district decision on the initial request and your follow up request.

- Gordon

GORDON C. CRANNER
SCHWARTZ, PAGE & HARDING, L.L.P.
1300 Post Oak Blvd., Suite 1400
Houston, Texas 77056
Telephone: (713) 407-2069
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Sent: Friday, July 23, 2021 1:26 PM
To: Gordon Cranner <gcranner@sphllp.com>
Cc: Melia Berry <mberry@sphllp.com>
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Kind regards,

George J. Wakileh, Ph.D.

From: Wakileh, George
To: customer@puc.texas.gov
Cc: gghenry@xpernet.com; Gordon Cranner; Melia Berry
Subject: Appeal to PUCT pursuant to TWC §13.043(b)(4)
Date: Saturday, July 24, 2021 9:48:19 AM
Attachments: [We sent you safe versions of your files.msg](#)
[20210724 LE-GW-PUCT.pdf](#)

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Public Utility Commission of Texas
1701 N. Congress Avenue
PO Box 13326
Austin, TX 78711-3326
<https://www.puc.texas.gov>
customer@puc.texas.gov

Attached is an **appeal to PUCT pursuant to TWC §13.043(b)(4)**.
The commission is kindly asked to email me with any needs or requests. There is no need to send letters by postal mail.

Sincerely,

George J. Wakileh, Ph.D.

Certificate of Service: Appellant confirms that the appeal is on this 24th day of July 2021 being electronically served on the counterparty (Grand Lakes Municipal Utility District No. 2) through its Secretary, Mr. Greg Henry (gghenry@xpernet.com), and its law firm, Schwartz, Page & Harding, L.L.P. (Mr. Gordon C. Cranner, gcranner@sphllp.com / Ms. Melia Berry, mberry@sphllp.com).

George J. Wakileh

6819 Rosemont Park Lane
Katy, TX 77494, USA
george.wakileh@gmail.com

Our date: July 24, 2021
Our ref: LE-GW-PUCT-00
Your date:
Your ref:
Total pages: 4 + Exhibits = 8

Public Utility Commission of Texas
1701 N. Congress Avenue
PO Box 13326
Austin, TX 78711-3326
<https://www.puc.texas.gov>
customer@puc.texas.gov

Appeal pursuant to TWC §13.043(b)(4) –
Appeal to PUCT by a ratepayer of a district concerning a decision by the district’s governing body.

Appeal against the Grand Lakes Municipal Utility District No. 2 decision to decline to
(i) order a refund of all \$10 monthly sewer fees charged to a residential customer when water consumption is zero; and
(ii) amend §3.03 of the District’s Rate Order such that the \$10 monthly sewer fee charged to a residential customer is nullified when water consumption is zero.

Appellant/Petitioner: George J. Wakileh, 6819 Rosemont Park Lane, Katy, TX 77494
george.wakileh@gmail.com

Appellee/Respondent: Grand Lakes MUD 2, 1300 Post Oak Blvd, Ste 1600, Houston, TX 77056 – 3043

Protested rate: \$10.00 monthly flat rate set in §3.03 of the Grand Lakes MUD 2 Rate Order

A. Factual background

1. For over three years, with Appellant’s house locked not used by anybody and with zero water consumption, the Water Company (Municipal District Services, LLC) charged Appellant a \$10 monthly flat rate for the sewer service. Having complained multiple times, Appellant was always given wrong information and told that it would be cheaper to pay the \$10 monthly fee than to disconnect the service and later pay a \$150 reconnection fee. When the District’s law firm recently furnished a copy of the latest Rate Order, the reconnection fee turned out to be \$25 (cf. §4.03 of the [Rate Order](#)).

2. Upon continued complaints, the Water Company advised that they will bring the complaint before the District. In its meeting of June 29, 2021 the District’s Board of Directors declined the request to waive the fees and issue a refund [**Exhibit 1**]. Appellant complained further and filed two written briefs on July 9 [**Exhibit 2**] and July 11, 2021 [**Exhibit 3**]. In its meeting of July 19, 2021 the District’s Board of Directors upheld its decision delivered at the previous meeting [**Exhibit 4**].

3. The District’s decision is hereby appealed to the Public Utility Commission of Texas pursuant to TWC §13.043(b)(4).

B. Legal basis

4. The following legal provisions are invoked as part of this appeal.

4.1 Texas Water Code.

4.2 Section 3.03 of the Grand Lakes MUD 2 [Rate Order](#):

Monthly Rate for Residential Sanitary Sewer Service. The following rate per month, or any part thereof, shall be charged for Residential sanitary sewer service furnished by the District to each Customer Connection in every instance in which a different charge is not expressly and clearly provided for herein:

Monthly Flat Rate \$10.00;

provided, however, that said rate shall not be charged to a Customer Connection which is installed for use for an irrigation system only and which does not discharge waste into the Sanitary Sewer System.

4.3 Section 4.02 of the Grand Lakes MUD 2 [Rate Order](#) on the \$150 fee for restoring water service following the District's termination of service.

4.4 Section 4.03 of the Grand Lakes MUD 2 [Rate Order](#) on the \$25 fee for restoring water service following discontinuation upon Customer's request.

4.5 The United Nations [Sustainable Development Goal](#) no. 6 on clean water and sanitation.

C. Grounds for appeal

5. The \$10 monthly sewer fee charged to Residential Customers whose water bill is zero and that do not discharge waste into the Sanitary Sewer System is not justified, fair, just, reasonable, or necessary. The charge is not needed for the Municipal Utility District or the Water Company to provide service. Neither the Municipal Utility District nor the Water Company is entitled to such charge because:

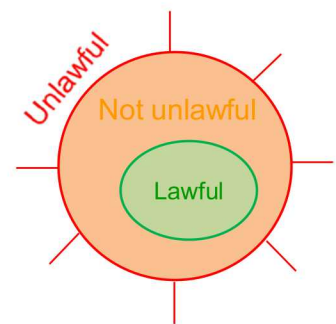
5.1 The District's and Water Company's charges must be 100% lawful at all times. 'Not unlawful' is not the same as 'Lawful'. The same applies to fair, just, reasonable, and necessary.

5.2 That the \$10 monthly fee shall not be charged to an Irrigation Customer Connection that does not discharge waste into the Sanitary Sewer System does not mean that it shall be charged to a Residential Customer that does not discharge waste into the Sanitary Sewer System. Only when the charge is stated explicitly in the affirmative as applicable to a specific Customer Connection, can the Water Company impose that charge on that Customer.

5.3 The flat rate – charged to a Residential Customer whose water bill is zero and who does not discharge waste into the Sanitary Sewer System – is not consistent; it is discriminatory. It is not understood why the flat rate is not charged to an Irrigation-System-Only Customer that does not discharge waste into the Sanitary Sewer System, while it is charged for an ordinary Residential Customer that does not discharge waste into the Sanitary Sewer System and whose water bill is zero.

5.4 It must be indisputable that a Residential Customer that has a zero-consumption water bill (i.e., does not discharge water into the drainage system) does not discharge waste into the Sanitary Sewer System. So the question becomes: why is such customer in such instance charged a \$10 monthly fee for the Sewer System?

5.5 A Residential Customer that does not discharge waste into the Sanitary Sewer System does not hold any capacity that could be used by (sold to) others. To the contrary, by not discharging waste into the sewer system that Customer is freeing up capacity that can be used elsewhere.



5.6 The protested rate does not impair the District's or Water Company's ability to continue to provide service to customers, operational capability, or obligation to meet federal and state standards on drinking water and wastewater discharge.

5.7 The annual Grand Lakes MUD 2 tax imposed on all Customers pays for the infrastructure and repairs/maintenance. As a residential customer, Appellant's Grand Lakes MUD 2 tax amounted to \$1300 in 2008 going down year after year to \$412 in 2020. The current picture concerning the District's tax can be seen at <https://www.grandlakesmud2.com/tax-information>.

6. Appellant concludes by noting that water is a basic necessity and **right** that must never be used by any District or Water Company as a for-profit good; cf. the United Nations [Sustainable Development Goal](#) no. 6. All threatening language and high, unreasonable, or unnecessary fees in the District's [Rate Order](#) must be removed. The \$150 fee in §4.02 of the District's [Rate Order](#) must be nullified. The \$25 fee in §4.03 of the District's [Rate Order](#) is also unreasonable and unnecessary; it must be revised.

D. Exhibits

[1] June 29, 2021 Email from Toni Hardeman (Customer Care) of Municipal District Services, LLC.

[2] July 9, 2021 Appellant's letter to the Grand Lakes MUD 2 Board of Directors.

[3] July 11, 2021 Appellant's letter to the Grand Lakes MUD 2 Board of Directors.

[4] July 23, 2021 Email from GORDON C. CRANNER of SCHWARTZ, PAGE & HARDING, L.L.P.

[•] Texas Water Code, <https://statutes.capitol.texas.gov/?link=WA>.

[•] December 21, 2020 Grand Lakes Municipal Utility District No. 2 Rate Order. https://www.grandlakesmud2.com/static/291b2c85d1e5cd919b2ed29b0c8cb26a/Rate_Order_of_12_21_2020_Grand_Lakes_MUD_2_19e8668a68.PDF

[•] The United Nations Sustainable Development Goals, <https://sdgs.un.org/goals>.

E. Prayer

1. All \$10 sewer fees charged – pursuant to §3.03 of the District's [Rate Order](#) – to residential customers while the water consumption is zero are unlawful and shall be refunded by the Water Company.
2. The Grand Lakes MUD 2 [Rate Order](#) §3.03 gets amended such that the \$10 monthly sewer fee charged to residential customers is nullified when water consumption is zero. Alternatively, the monthly sewer fee charged to residential customers is made proportional to water consumption.
3. The \$150 and \$25 reconnection fees in §§4.02 and 4.03 of the Grand Lakes MUD 2 [Rate Order](#) get assessed and revised for necessity, fairness, and reasonableness.
4. The Public Utility Commission establishes interim rates to be in effect until a final decision is made.

On this 24th day of July 2021



George J. Wakileh, Ph.D.

Certificate of Service

Appellant confirms that the appeal has on this 24th day of July 2021 been electronically served on the counterparty through its Secretary, Mr. Greg Henry (ghenry@xpernet.com), and its law firm, Schwartz, Page & Harding, L.L.P. (Mr. Gordon C. Cranner, gcranner@sphllp.com / Ms. Melia Berry, mberry@sphllp.com).



George J. Wakileh, Ph.D.

Counterparty

Grand Lakes Municipal Utility District 2*
1300 Post Oak Blvd, Ste 1600
Houston, TX 77056 – 3043
<https://www.grandlakesmud2.com/>

* through its Board of Directors: Mike McClusky, President; J. Scot Vann, Vice President; Greg Henry, Secretary; Brad Baker, Assistant Secretary; and Tammy Fruge, Director.

Responsible party

Gordon C. Cranner / Melia Berry
Schwartz, Page & Harding, L.L.P.
1300 Post Oak Blvd., Suite 1400
Houston, Texas 77056
T (713) 407-2069
F (713) 623-6143
E gcranner@sphllp.com / mberry@sphllp.com

From: Customer Service-2 <customerservice2@mdswater.com>
To: "Wakileh, George" <george.wakileh@gmail.com>
Date: Jun 29, 2021, 15:25 PM
Subject: RE: Water Bill - Complaint dared April 21

Good afternoon Dr. Wakileh,

The Board of Directors met today and considered your request to refund over \$360.00 in sewer bills (three years at \$10.00/month). The request was denied. They stated that the district policies apply to everyone in the district equally.

Please know if you do not want to pay the monthly \$10.00 minimum bill, you will need to disconnect your water services. Remember, if this is the route you choose, the service can be reinstated when you request it to be started again as well as you will need to pay the current application fee and deposit.

Thank you sir and we hope all is well!



Toni Hardeman | Customer Care Supervisor

Municipal District Services, LLC
406 W. Grand Parkway S., Suite 260, Katy, Texas 77494

Main: 281-290-6500 | **Direct:** 281-290-6507

www.mdswater.com

Exceptional Water, Wastewater, and Storm Sewer Operations

George J. Wakileh

6819 Rosemont Park Lane, Katy, TX 77494, USA • george.wakileh@gmail.com

Grand Lakes Municipal Utility District 2*
1300 Post Oak Blvd, Ste 1600
Houston, TX 77056 - 3043

* through its Board of Directors: Mike McClusky, President; J. Scot Vann, Vice President; Greg Henry, Secretary;
Brad Baker, Assistant Secretary; and Tammy Fruge, Director.

July 9, 2021

Dear Sir / Madam,

I own the residence 6819 Rosemont Park Lane, Katy, TX 77494. For over three years I have been charged a \$10 monthly fee for the sewer system when my house is locked, not used by anybody, water consumption is zero, no water flows into the drainage system, and no sewage/waste flows into the sewer system. The Water Company (MDS Water) has also provided me with wrong information saying that it is cheaper to pay the \$10 monthly fee than to disconnect the service and pay a \$150 fee when requesting reconnection.

No amounts are due on my account. The annual Grand Lakes MUD#2 tax, which pays for the infrastructure and repairs/maintenance, has also been paid in full since 2008. This tax amounted to \$1300 in 2008 going down year after year to \$412 in 2020.

The claim that the fee is justified because I am holding capacity that could be sold to others is unreliable. To the contrary, by not discharging sewage/waste into the sewer system I am freeing up capacity that can be used elsewhere.

Regardless of what Section 3.03 of the Rate Order reads, I am of the firm belief that neither the Water Company nor the Municipal Utility District is entitled to the \$10 monthly fee when water consumption is zero (such that that the sewer system is not used). Requesting the Water Company to refund such fees, they refused and engaged attorney Gordon C. Cranner of Schwartz, Page & Harding, LLP, 1300 Post Oak Blvd, Suite 1400, Houston, TX 77056. Mr. Cranner advised that he is not able to order a refund of the fees.

Against the preceding background, I am kindly asking the Board of Directors to:

1. Request the Water Company to refund all \$10 fees I was charged when my water consumption was zero.
2. Amend Section 3.03 of the Rate Order such that the \$10 monthly sewer fee is nullified when water consumption is zero. Alternatively make the monthly sewer fee charged to residential customers proportional to water consumption.

This request is fair and reasonable. If the Board of Directors is, however, not authorized to act as requested, you are kindly asked to escalate the request to the competent authority, presumably the Public Utility Commission of Texas in Austin.

Thank you for your consideration. I look forward to hearing from you.

Sincerely,

George J. Wakileh, Ph.D.

NB: I am a US citizen and the owner of the property mentioned above. Due to my presence outside the USA at the moment, I am kindly asking that the answer be emailed to george.wakileh@gmail.com.

George J. Wakileh

6819 Rosemont Park Lane, Katy, TX 77494, USA • george.wakileh@gmail.com

Grand Lakes Municipal Utility District 2*
1300 Post Oak Blvd, Ste 1600
Houston, TX 77056 - 3043

* through its Board of Directors: Mike McClusky, President; J. Scot Vann, Vice President; Greg Henry, Secretary; Brad Baker, Assistant Secretary; and Tammy Fruge, Director.

July 11, 2021

Dear Sir / Madam,

Further to my letter of July 9, 2021, and not knowing the origin of the Rate Order used by the Grand Lakes Municipal Utility District 2, I—as a Residential Customer and Complainant—would like to account for the legal interpretation of Section 3.03 of the Rate Order, which reads:

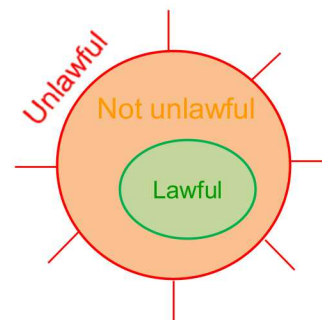
Monthly Rate for Residential Sanitary Sewer Service. The following rate per month, or any part thereof, shall be charged for Residential sanitary sewer service furnished by the District to each Customer Connection in every instance in which a different charge is not expressly and clearly provided for herein:

Monthly Flat Rate \$10.00;

provided, however, that said rate shall not be charged to a Customer Connection which is installed for use for an irrigation system only and which does not discharge waste into the Sanitary Sewer System.

The \$10 monthly sewer fee charged to Residential Customers that do not discharge waste into the Sanitary Sewer System is unlawful because:

(a) That the \$10 monthly fee shall not be charged to an Irrigation Customer Connection that does not discharge waste into the Sanitary Sewer System, does not mean that it shall be charged to a Residential Customer that does not discharge waste into the Sanitary Sewer System. Only when the charge is stated explicitly in the affirmative as applicable to a specific Customer Connection, can the Water Company impose that charge on that Customer. Though it could seem philosophical, the diagram helps explain this concept—'not unlawful' is never the same as 'lawful'.



(b) It must be indisputable that a Residential Customer that has a zero-consumption water bill (i.e., does not discharge water into the drainage system) does not discharge waste into the Sanitary Sewer System. So the question becomes: why would such customer in such instance be charged a \$10 monthly fee for the Sewer System?

(c) A Residential Customer that does not discharge waste into the Sanitary Sewer System does not hold any capacity that could be used by (sold to) others. To the contrary, by not discharging sewage/waste into the sewer system that Customer is freeing up capacity that can be used elsewhere.

(d) The annual Grand Lakes MUD#2 tax imposed on Complainant and all other Residential Customers pays for the infrastructure and repairs/maintenance.

Thank you for accommodating this brief. I look forward to hearing from you.

Sincerely,

George J. Wakileh, Ph.D.

From: Gordon Cranner <gcranner@sphllp.com>
To: "george.wakileh@gmail.com" <george.wakileh@gmail.com>
Cc: Melia Berry <mberry@sphllp.com>
Date: Jul 23, 2021, 12:22 PM
Subject: Grand Lakes Municipal Utility District No. 2 - 6819 Rosemont Park Lane

Dr. Wakileh – At its meeting on July 19, 2021, the Board of Directors of Grand Lakes Municipal Utility District No. 2 considered the communications that you sent for its review following its initial determination in regards to your request related to the charges imposed pursuant to the District’s rate order. After consideration and discussion, the Board declined to change its initial decision on the charges and declined to amend the District’s rate order pursuant to your request. As you note, the Texas Public Utility Commission has appellate jurisdiction related to decisions of the District affecting water, drainage, and sewer rates. The relevant provision, Section 13.043 of the Texas Water Code, outlines the process and requirements for such an appeal.

Thank you,

- Gordon

GORDON C. CRANNER

SCHWARTZ, PAGE & HARDING, L.L.P.

1300 Post Oak Blvd., Suite 1400

Houston, Texas 77056

Telephone: (713) 407-2069

Facsimile: (713) 623-6143

Email: gcranner@sphllp.com

From: [Wakileh, George](#)
To: ghenry@xpernet.com; [Gordon Cranner](#); [Melia Berry](#)
Subject: GL MUD2: Complaint
Date: Sunday, August 8, 2021 5:43:15 PM
Attachments: [We sent you safe versions of your files.msg](#)
[20210808 LE-GW-MUD2.pdf](#)

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Grand Lakes Municipal Utility District 2
1300 Post Oak Blvd, Ste 1600
Houston, TX 77056 – 3043

Dear Sirs and Madam,

See the attached petition/complaint following the email response I received from the PUCT. Kindly put the agenda for next Board meeting and provide a written response soon after, so that the case can be brought to the Ford Bend County, District Attorney's Office, and ultimately the Court; cf. p. 15-16 of the Texas Commission on Environmental Quality (TCEQ) guide [GI-043](#).

Sincerely,

George J. Wakileh, Ph.D.

Certificate of Service: Petitioner confirms that the complaint is on this 8th day of August 2021 being electronically served on the counterparty (Grand Lakes Municipal Utility District No. 2) through its Secretary, Mr. Greg Henry (ghenry@xpernet.com), and its law firm, Schwartz, Page & Harding, L.L.P. (Mr. Gordon C. Cranner, gcranner@sphllp.com / Ms. Melia Berry, mberry@sphllp.com).

George J. Wakileh

6819 Rosemont Park Lane
Katy, TX 77494, USA
george.wakileh@gmail.com

Our date: August 8, 2021
Our ref: LE-GW-MUD2-03
Your date:
Your ref:
Total pages: 4 + Exhibits = 8

Grand Lakes Municipal Utility District 2
1300 Post Oak Blvd, Ste 1600
Houston, TX 77056 – 3043
<https://www.grandlakesmud2.com/>

Complaint / Petition

Petitioner: George J. Wakileh, 6819 Rosemont Park Lane, Katy, TX 77494 | george.wakileh@gmail.com

Respondent: Grand Lakes MUD 2, 1300 Post Oak Blvd, Ste 1600, Houston, TX 77056 – 3043

Protested rate: \$10.00 monthly flat rate set in §3.03 of the Grand Lakes MUD 2 Rate Order

Grand Lakes Municipal Utility District No. 2 is asked to:

- (i) order a refund of all \$10 monthly sewer fees charged to a residential customer when water consumption is zero;
 - (ii) amend §3.03 of the District's Rate Order such that the \$10 monthly sewer fee charged to a residential customer is nullified when water consumption is zero;
 - (iii) answer the questions in section E.5.
-

A. Factual background

1. For over three years, with Petitioner's house locked not used by anybody and with zero water consumption, the Water Company (Municipal District Services, LLC) charged Petitioner a \$10 monthly flat rate for the sewer service. Having complained multiple times, Petitioner was always given wrong information and told that it would be cheaper to pay the \$10 monthly fee than to disconnect the service and later pay a \$150 reconnection fee. When the District's law firm recently furnished a copy of the latest Rate Order, the reconnection fee turned out to be \$25 (cf. §4.03 of the [Rate Order](#)).

2. Upon continued complaints, the Water Company advised that they will bring the complaint before the District. In its meeting of June 29, 2021 the District's Board of Directors declined the request to waive the fees and issue a refund [**Exhibit 1**]. Petitioner complained further and filed two written briefs on July 9 [**Exhibit 2**] and July 11, 2021 [**Exhibit 3**]. In its meeting of July 19, 2021 the District's Board of Directors upheld its decision delivered at the previous meeting [**Exhibit 4**].

3. On July 24, 2021 the District's decision was appealed to the Public Utility Commission of Texas (PUCT) pursuant to TWC §13.043(b)(4) "Appeal to PUCT by a ratepayer of a district concerning a decision by the district's governing body." Via email, the PUCT answered that they cannot address an individual appeal, only a rate change that impacts 10,000 customers or 10% of the ratepayers, whichever is less. The PUCT has, however, provided a copy of the Texas Commission on Environmental Quality (TCEQ) guide [GI-043](#), where p. 15-16 states that consumer concerns can be brought to the local county or district attorney's office. Petitioner plans to pursue this avenue and ultimately resort to the court should the District continue to be unresponsive. To that end, the District is kindly asked to formally, in writing, address the prayer in section E.

B. Legal basis

4. The following legal provisions are invoked as part of this petition.

4.1 Section 3.03 of the Grand Lakes MUD 2 [Rate Order](#):

Monthly Rate for Residential Sanitary Sewer Service. The following rate per month, or any part thereof, shall be charged for Residential sanitary sewer service furnished by the District to each Customer Connection in every instance in which a different charge is not expressly and clearly provided for herein:

Monthly Flat Rate \$10.00;

provided, however, that said rate shall not be charged to a Customer Connection which is installed for use for an irrigation system only and which does not discharge waste into the Sanitary Sewer System.

4.2 Section 4.02 of the Grand Lakes MUD 2 [Rate Order](#) on the \$150 fee for restoring water service following the District's termination of service.

4.3 Section 4.03 of the Grand Lakes MUD 2 [Rate Order](#) on the \$25 fee for restoring water service following discontinuation upon Customer's request.

4.4 The United Nations [Sustainable Development Goal](#) no. 6 on clean water and sanitation.

C. Grounds for the complaint

5. The \$10 monthly sewer fee charged to Residential Customers whose water bill is zero and that do not discharge waste into the Sanitary Sewer System is not justified, fair, just, reasonable, or necessary. The charge is not needed for the Municipal Utility District or the Water Company to provide service. Neither the Municipal Utility District nor the Water Company is entitled to such charge because:

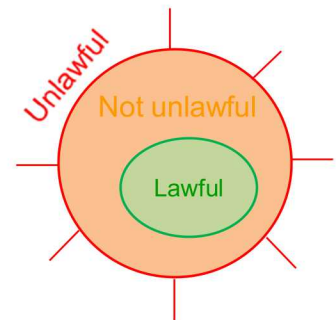
5.1 The District's and Water Company's charges must be 100% lawful at all times, which is not the case here. 'Not unlawful' is not the same as 'Lawful'. The same applies to fair, just, reasonable, and necessary.

5.2 That the \$10 monthly fee shall not be charged to an Irrigation Customer Connection that does not discharge waste into the Sanitary Sewer System does not mean that it shall be charged to a Residential Customer that does not discharge waste into the Sanitary Sewer System. Only when the charge is stated explicitly in the affirmative as applicable to a specific Customer Connection, can the Water Company impose that charge on that Customer.

5.3 The flat rate – charged to a Residential Customer whose water bill is zero and who does not discharge waste into the Sanitary Sewer System – is not consistent; it is discriminatory. It is not understood why the flat rate is not charged to an Irrigation-System-Only Customer that does not discharge waste into the Sanitary Sewer System, while it is charged for an ordinary Residential Customer that does not discharge waste into the Sanitary Sewer System and whose water bill is zero.

5.4 It must be indisputable that a Residential Customer that has a zero-consumption water bill (i.e., does not discharge water into the drainage system) does not discharge waste into the Sanitary Sewer System. So the question becomes: why is such customer in such instance charged a \$10 monthly fee for the Sewer System?

5.5 A Residential Customer that does not discharge waste into the Sanitary Sewer System does not hold any capacity that could be used by (sold to) others. To the contrary, by not discharging waste into the sewer system that Customer is freeing up capacity that can be used elsewhere.



5.6 The protested rate does not impair the District's or Water Company's operational capability, ability to continue to provide service to customers, or obligation to meet federal and state standards on drinking water and wastewater discharge.

5.7 The annual Grand Lakes MUD 2 tax imposed on all Customers pays for the infrastructure and repairs/maintenance. As a residential customer, Petitioner's Grand Lakes MUD 2 tax amounted to \$1300 in 2008 going down year after year to \$412 in 2020. The current picture concerning the District's tax can be seen at <https://www.grandlakesmud2.com/tax-information>.

6. The petitioner concludes by noting that water is a basic necessity and **right** that must never be used by any District or Water Company as a for-profit good; cf. the United Nations [Sustainable Development Goal](#) no. 6. All threatening language and high, unreasonable, or unnecessary fees in the District's [Rate Order](#) must be removed. The \$150 fee in §4.02 of the District's [Rate Order](#) must be nullified. The \$25 fee in §4.03 of the District's [Rate Order](#) is also unreasonable and unnecessary; it must be revised.

D. Exhibits

[1] June 29, 2021 Email from Toni Hardeman (Customer Care) of Municipal District Services, LLC.

[2] July 9, 2021 Petitioner's letter to the Grand Lakes MUD 2 Board of Directors.

[3] July 11, 2021 Petitioner's letter to the Grand Lakes MUD 2 Board of Directors.

[4] July 23, 2021 Email from GORDON C. CRANNER of SCHWARTZ, PAGE & HARDING, L.L.P.

[•] Texas Water Code, <https://statutes.capitol.texas.gov/?link=WA>.

[•] Texas Commission on Environmental Quality (TCEQ) guide [GI-043](#).
https://www.tceq.texas.gov/assets/public/comm_exec/pubs/gi/gi-043.pdf

[•] December 21, 2020 Grand Lakes Municipal Utility District No. 2 Rate Order.
https://www.grandlakesmud2.com/static/291b2c85d1e5cd919b2ed29b0c8cb26a/Rate_Order_of_12_21_2020_Grand_Lakes_MUD_2_19e8668a68.PDF

[•] The United Nations Sustainable Development Goals, <https://sdgs.un.org/goals>.

E. Prayer

1. All \$10 sewer fees charged – pursuant to §3.03 of the District's [Rate Order](#) – to residential customers while the water consumption is zero are unlawful and shall be refunded by the Water Company.

2. The Grand Lakes MUD 2 [Rate Order](#) §3.03 gets amended such that the \$10 monthly sewer fee charged to residential customers is nullified when water consumption is zero. Alternatively, the monthly sewer fee charged to residential customers is made proportional to water consumption.

3. The \$150 and \$25 reconnection fees in §§4.02 and 4.03 of the Grand Lakes MUD 2 [Rate Order](#) get assessed and revised for necessity, fairness, and reasonableness.

4. The District establishes interim rates to be in effect until a final decision is made.

5. The District's Board answers the following questions in writing so that the complaint can be pursued with the Fort Bend County, District Attorney's Office, and Court.

- a. What is the basis for District's [Rate Order](#)? Who prepared it? When was the first revision issued?
- b. If the Board is from the people, why would it refuse to serve justice, ensure fairness, order the refund of unlawful charges, and clarify ambiguous language in the District's [Rate Order](#)?
- c. Does any member of the District's Board benefit in any way, shape, or form from unfair or unreasonable rates in the District's [Rate Order](#)?
- d. Does any member of the District's Board have any direct or indirect interest – personal, financial, or other – in any business related to the District; for example, the water company, the HOA

management company, the trash collection company, billing company, tax collection company, or any other business offering services to the MUD?

- e. Who owns the water company Municipal District Services, LLC? Who manages it?
- f. Is the management or staff of the water company, the HOA management company, the trash collection company, billing company, tax collection company, or any other business offering services to the MUD related or connected in any way, shape, or form to any member of the District's Board?

On this 8th day of August 2021



George J. Wakileh, Ph.D.

Certificate of Service

Petitioner confirms that this petition/complaint has on this 8th day of August 2021 been electronically served on the counterparty through its Secretary, Mr. Greg Henry (ghenry@xpernet.com), and its law firm, Schwartz, Page & Harding, L.L.P. (Mr. Gordon C. Cranner, gcranner@sphllp.com / Ms. Melia Berry, mberry@sphllp.com).



George J. Wakileh, Ph.D.

Counterparty

Grand Lakes Municipal Utility District 2*
1300 Post Oak Blvd, Ste 1600
Houston, TX 77056 – 3043
<https://www.grandlakesmud2.com/>

* through its Board of Directors: Mike McClusky, President; J. Scot Vann, Vice President; Greg Henry, Secretary; Brad Baker, Assistant Secretary; and Tammy Fruge, Director.

Responsible party

Gordon C. Cranner / Melia Berry
Schwartz, Page & Harding, L.L.P.
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Houston, Texas 77056
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From: Customer Service-2 <customerservice2@mdswater.com>
To: "Wakileh, George" <george.wakileh@gmail.com>
Date: Jun 29, 2021, 15:25 PM
Subject: RE: Water Bill - Complaint dared April 21

Good afternoon Dr. Wakileh,

The Board of Directors met today and considered your request to refund over \$360.00 in sewer bills (three years at \$10.00/month). The request was denied. They stated that the district policies apply to everyone in the district equally.

Please know if you do not want to pay the monthly \$10.00 minimum bill, you will need to disconnect your water services. Remember, if this is the route you choose, the service can be reinstated when you request it to be started again as well as you will need to pay the current application fee and deposit.

Thank you sir and we hope all is well!



Toni Hardeman | Customer Care Supervisor

Municipal District Services, LLC
406 W. Grand Parkway S., Suite 260, Katy, Texas 77494

Main: 281-290-6500 | **Direct:** 281-290-6507

www.mdswater.com

Exceptional Water, Wastewater, and Storm Sewer Operations

George J. Wakileh

6819 Rosemont Park Lane, Katy, TX 77494, USA • george.wakileh@gmail.com

Grand Lakes Municipal Utility District 2*
1300 Post Oak Blvd, Ste 1600
Houston, TX 77056 - 3043

* through its Board of Directors: Mike McClusky, President; J. Scot Vann, Vice President; Greg Henry, Secretary;
Brad Baker, Assistant Secretary; and Tammy Fruge, Director.

July 9, 2021

Dear Sir / Madam,

I own the residence 6819 Rosemont Park Lane, Katy, TX 77494. For over three years I have been charged a \$10 monthly fee for the sewer system when my house is locked, not used by anybody, water consumption is zero, no water flows into the drainage system, and no sewage/waste flows into the sewer system. The Water Company (MDS Water) has also provided me with wrong information saying that it is cheaper to pay the \$10 monthly fee than to disconnect the service and pay a \$150 fee when requesting reconnection.

No amounts are due on my account. The annual Grand Lakes MUD#2 tax, which pays for the infrastructure and repairs/maintenance, has also been paid in full since 2008. This tax amounted to \$1300 in 2008 going down year after year to \$412 in 2020.

The claim that the fee is justified because I am holding capacity that could be sold to others is unreliable. To the contrary, by not discharging sewage/waste into the sewer system I am freeing up capacity that can be used elsewhere.

Regardless of what Section 3.03 of the Rate Order reads, I am of the firm belief that neither the Water Company nor the Municipal Utility District is entitled to the \$10 monthly fee when water consumption is zero (such that that the sewer system is not used). Requesting the Water Company to refund such fees, they refused and engaged attorney Gordon C. Cranner of Schwartz, Page & Harding, LLP, 1300 Post Oak Blvd, Suite 1400, Houston, TX 77056. Mr. Cranner advised that he is not able to order a refund of the fees.

Against the preceding background, I am kindly asking the Board of Directors to:

1. Request the Water Company to refund all \$10 fees I was charged when my water consumption was zero.
2. Amend Section 3.03 of the Rate Order such that the \$10 monthly sewer fee is nullified when water consumption is zero. Alternatively make the monthly sewer fee charged to residential customers proportional to water consumption.

This request is fair and reasonable. If the Board of Directors is, however, not authorized to act as requested, you are kindly asked to escalate the request to the competent authority, presumably the Public Utility Commission of Texas in Austin.

Thank you for your consideration. I look forward to hearing from you.

Sincerely,

George J. Wakileh, Ph.D.

NB: I am a US citizen and the owner of the property mentioned above. Due to my presence outside the USA at the moment, I am kindly asking that the answer be emailed to george.wakileh@gmail.com.

George J. Wakileh

6819 Rosemont Park Lane, Katy, TX 77494, USA • george.wakileh@gmail.com

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July 11, 2021

Dear Sir / Madam,

Further to my letter of July 9, 2021, and not knowing the origin of the Rate Order used by the Grand Lakes Municipal Utility District 2, I—as a Residential Customer and Complainant—would like to account for the legal interpretation of Section 3.03 of the Rate Order, which reads:

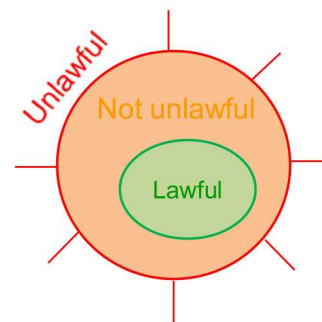
Monthly Rate for Residential Sanitary Sewer Service. The following rate per month, or any part thereof, shall be charged for Residential sanitary sewer service furnished by the District to each Customer Connection in every instance in which a different charge is not expressly and clearly provided for herein:

Monthly Flat Rate \$10.00;

provided, however, that said rate shall not be charged to a Customer Connection which is installed for use for an irrigation system only and which does not discharge waste into the Sanitary Sewer System.

The \$10 monthly sewer fee charged to Residential Customers that do not discharge waste into the Sanitary Sewer System is unlawful because:

(a) That the \$10 monthly fee shall not be charged to an Irrigation Customer Connection that does not discharge waste into the Sanitary Sewer System, does not mean that it shall be charged to a Residential Customer that does not discharge waste into the Sanitary Sewer System. Only when the charge is stated explicitly in the affirmative as applicable to a specific Customer Connection, can the Water Company impose that charge on that Customer. Though it could seem philosophical, the diagram helps explain this concept—'not unlawful' is never the same as 'lawful'.



(b) It must be indisputable that a Residential Customer that has a zero-consumption water bill (i.e., does not discharge water into the drainage system) does not discharge waste into the Sanitary Sewer System. So the question becomes: why would such customer in such instance be charged a \$10 monthly fee for the Sewer System?

(c) A Residential Customer that does not discharge waste into the Sanitary Sewer System does not hold any capacity that could be used by (sold to) others. To the contrary, by not discharging sewage/waste into the sewer system that Customer is freeing up capacity that can be used elsewhere.

(d) The annual Grand Lakes MUD#2 tax imposed on Complainant and all other Residential Customers pays for the infrastructure and repairs/maintenance.

Thank you for accommodating this brief. I look forward to hearing from you.

Sincerely,

George J. Wakileh, Ph.D.

From: Gordon Cranner <gcranner@sphllp.com>
To: "George Wakileh@gmail.com" <george.wakileh@gmail.com>
Cc: Melia Berry <mberry@sphllp.com>
Date: Jul 23, 2021, 12:22 PM
Subject: Grand Lakes Municipal Utility District No. 2 - 6819 Rosemont Park Lane

Dr. Wakileh – At its meeting on July 19, 2021, the Board of Directors of Grand Lakes Municipal Utility District No. 2 considered the communications that you sent for its review following its initial determination in regards to your request related to the charges imposed pursuant to the District’s rate order. After consideration and discussion, the Board declined to change its initial decision on the charges and declined to amend the District’s rate order pursuant to your request. As you note, the Texas Public Utility Commission has appellate jurisdiction related to decisions of the District affecting water, drainage, and sewer rates. The relevant provision, Section 13.043 of the Texas Water Code, outlines the process and requirements for such an appeal.

Thank you,

- Gordon

GORDON C. CRANNER

SCHWARTZ, PAGE & HARDING, L.L.P.

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