

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23F-0081W

IVAN GUILLERMO VALLES,

COMPLAINANT,

V.

BAXTER WATER SERVICES, MR. JARDEN, ALSO KNOWN AS MR. JARDENS, O'NEAL WATER, AND SCOTT GREENWELL

RESPONDENTS..

ORDER TO SATISFY OR ANSWER

YOU ARE NOTIFIED THAT A FORMAL COMPLAINT HAS BEEN FILED AGAINST YOU IN THE ABOVE ENTITLED AND CAPTIONED CASE. YOU ARE ORDERED TO SATISFY THE MATTERS IN THE COMPLAINT OR TO ANSWER THE COMPLAINT IN WRITING WITHIN 20 DAYS FROM SERVICE UPON YOU OF THIS ORDER AND COPY OF THE ATTACHED COMPLAINT.

IF THE COMPLAINT IS SATISFIED AND ADEQUATE EVIDENCE OF SATISFACTION IS PRESENTED TO THE COMMISSION, THE COMPLAINT SHALL BE DISMISSED. IF THE COMPLAINT IS NOT SATISFIED, OR IF ADEQUATE EVIDENCE OF ITS SATISFACTION IS NOT PRESENTED TO THE COMMISSION, OR IF NO ANSWER IS FILED WITHIN THE TIME REQUIRED, THE ALLEGATIONS OF THE COMPLAINT MAY BE DEEMED ADMITTED, AND THE COMMISSION MAY GRANT SO MUCH OF THE RELIEF SOUGHT IN THE COMPLAINT AS IS WITHIN ITS POWER AND JURISDICTION OR MAY SET THE COMPLAINT FOR HEARING.

BY ORDER OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

WITNESS MY HAND AND THE SEAL OF THE PUBLIC UTILITIES COMMISSION of THE STATE OF COLORADO AT DENVER, COLORADO THIS 16TH DAY OF FEBRUARY 2023.

(S E A L)



A handwritten signature in black ink, appearing to read 'G. Harris Adams'.

G. Harris Adams,
Interim Director

ATTEST: A TRUE COPY

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BAXTER WATER SERVICES, MR. JARDEN, ALSO KNOWN AS MR. JARDENS, O'NEAL WATER,
AND SCOTT GREENWELL

RESPONDENTS.

ORDER SETTING HEARING AND NOTICE OF HEARING

TO THE PARTIES IN THIS MATTER:

The Colorado Public Utilities Commission orders that the hearing in this matter is set before an Administrative Law Judge (ALJ) on:

DATE: April 24, 2023

TIME: 9:00 AM

PLACE: The ALJ will establish the place and manner in which the hearing will be held (*e.g.*, in person, fully remote, or hybrid) by separate order.

At the above date, time and place you will be given the opportunity to be heard if you so desire.

Colorado PUC Hearing Room B is inviting you to a scheduled Zoom meeting.

Topic: PUC: HRG: 23F-0081W Ivan Valles vs Baxter Water/O'Neal Water - Formal Complaint, ALJ

Join Zoom Meeting

<https://us06web.zoom.us/j/89181914902?pwd=c3MwL0YrUXJkQ2Y4d0h2MUIReGF4dz09>

Meeting ID: 891 8191 4902

Passcode: 622008

One tap mobile

+17193594580,,89181914902#,,,*622008# US

+16694449171,,89181914902#,,,*622008# US

Dial by your location

+1 719 359 4580 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 646 931 3860 US
+1 689 278 1000 US
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 360 209 5623 US
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US

Meeting ID: 891 8191 4902

Passcode: 622008

Find your local number: <https://us06web.zoom.us/j/kcBVAyReZW>

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. Harris, Interim Director
Colorado Public Utilities Commission
1560 Broadway, Suite 250, Denver,
Colorado 80202

ATTEST: A TRUE COPY

Dated at Denver, Colorado this
16th day of February, 2023

A handwritten signature in black ink, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director

COLORADO PUBLIC UTILITIES COMMISSION – Formal Complaint Form

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CASE NO. _____
(PUC use only)

COMPLAINT

1. The Complainant(s) is (are):

<u>Name</u>	<u>Mailing Address (Include City and Zip Code)</u>	<u>Daytime Phone No.</u>
Ivan Guillermo Valles	131 32 ½ Ln., Pueblo CO 81006	(719) 569-0920
<u>E-mail address:</u>	ivan.valles@outlook.com	

Is service address the same as mailing address? If not, list the service address: YES

2. The name and business address of each Respondent is:

<u>Name</u>	<u>Address</u>
Baxter Water Services/Jardens?	P.O. Box 7565 Pueblo West, CO 81007 ; (719) 960-0059
Oneal Water/Scott Greenwell	unknown; (303) 919-8844

3. The specific act(s) or things complained of, with the necessary facts to give a full understanding of the situation, is (are). If this is a billing dispute, what is the disputed amount (not including requests for damages or compensation)?

-SEE ATTACHED PAGES 3-7 FOR NARRATIVE-

COLORADO PUBLIC UTILITIES COMMISSION – Formal Complaint Form

-SEE ATTACHED PAGES 3-7 FOR NARRATIVE-

(If you need more space, please attach additional pages of 8½ by 11 paper.)

4. City or town where you would like to have your hearing: PUEBLO, CO

List of unavailable hearing dates for the next 90 days (excluding holidays and weekends):

March 9-12; March 18-26; April 6-7, April 14, April 28, May 12-15, May 26.

5. If you are disabled and require any type of accommodation, please list your request:

6. I (We) ask(s) that the Commission enter an Order granting whatever relief the Commission deems legally appropriate. I (We) hereby acknowledge that I (we) will cooperate in the prosecution of this Complaint and will appear at any hearing if the Complaint is set for hearing.

Signature(s):



Attorney (if applicable):

Date: Feb. 15, 2023

RESPONSE TO ITEM 3 – SPECIFIC ACT(S) OR THINGS COMPLAINED OF

On February 13, 2023 I arrived to my home at 131 32 1/2 Ln, Pueblo, CO 81006 over a lunch break to discover a man in my front yard excavating the area around my water service shut off valve. When I inquired as to why he was doing so, he indicated because he was going to install a “deep pit valve/tap” upon my water line, and that said valve would be an \$800 obligation I’d have to pay in order to have my water service restored. When I inquired why just my valve, and not that of adjacent neighbors, the gentleman replied that I somehow had previously tampered with said existing valve, and that he had proof I had done so.

There are numerous homes in the neighborhood whose valves are similar to mine, but are not being required to have said valve/meter installed. Mr. Jarden indicated his justification was that I, Ivan Valles, in the past had somehow tampered with the existing shut off valve. This unequivocally false, in the 15 years I have resided here as the homeowner, I have never excavated, much less tampered with said valve, nor does Baxter Water Service possess any proof whatsoever of said tampering. Mr. Jarden vaguely references something about the riser tube being glued somehow, but could provide no further details of his proof of my suspected wrongdoing. Furthermore, I have never received any sort of past correspondence or contact indicating a tampering issue at my service location, nor have ever been disconnected while residing here. Mr. Jarden indicated that the previous owner of the utility, Scott Greenwell, had informed him that he had disconnected my service in the past, and that the existing configuration of said valve’s riser tube, somehow “proved” that I tampered with the valve. However, when Deputies from the Pueblo County Sheriff’s Office reached out to Mr. Greenwell by phone on 2/13/23, Mr. Greenwell confirmed that he had almost shut my service at one time, but never had actually disconnected my service, invalidating Mr. Jarden’s claims.

Mr. Jarden, who appeared in a truck logo'd as Baxter Water Services, who's name I only learned thru the Sheriff's deputies who responded to our request for assistance, refused to identify himself or confirm himself by name, despite claiming that he did. I have his refusal to do so captured on video while excavating in my yard. Nonetheless, Mr. Jarden was clearly was operating on behalf of Baxter Water Services, and in control of said vehicle. Upon my wife, Felicia's arrival home, and unaware of what was going on, asked Mr. Jarden to identify himself, he would not, then proceeded to also call the Pueblo County Sheriff's Office indicating that we were being "hostile" towards him. Dispatchers on the other line with me at the exact same time obviously knew this was a completely false claim, and nothing more than a deflection tactic and a direct false statement to law enforcement dispatchers by phone.

We did not receive a written notice of discontinuance of service at least 15 days in advance of the attempted disconnect on 2/13/2023. While Mr. Jarden claims that a disconnect notice was previously mailed, and that a separate disconnect notice was posted on my fence. I dispute this claim as untrue, we've never received said letter, nor retrieved any notice from our fence. I would challenge Mr. Jarden to produce a USPS proof of certified mailing and delivery of said notices-he can't because they don't exist. I offered to pay Mr. Jarden the one month due, in the amount of \$58.75, plus the \$15 late fee, on the spot. He refused payment, indicating I'd have to pay "over a thousand dollars" before service would be restored, and added "we're not fucking around with you people in this neighborhood."

PUC staff has indicated that no request to transfer O'Neal Water to Baxter Water Services has been received much less approved by the PUC. Therefore, Mr. Jarden is not a PUC bona fide representative of my water utility, and therefore has entered upon my property unlawfully to attempt said valve installation and disconnect of service. This fact essentially places Mr. Jarden's actions subject to criminal law enforcement, and I will request the PCSO arrest him for trespass should he return.

My wife, Felicia, and I firmly believe the current actions of Baxter Water Services together with O'Neal Water may somehow be completely in retribution for a 2022 complaint I, Ivan Valles, filed with DORA/PUC regarding continued water main breaks, flooding, and interruptions of service by O'Neal Water Service over the 15 year service history we've maintained, without interruption, at location.

Therefore, I am hereby formally requesting that the Commission, DORA, the State AG's Office, and/or any other pertinent regulatory agencies as needed provide the following relief:

1. Prohibit the disconnection of my service while these issues are being resolved
2. Prohibit Baxter Water Services from performing any disconnects in the service area of O'Neal Water until legally operating with PUC approval, and upon said approval, only with proper due process and notification.
3. Compel O'Neal/Baxter Water to reconnect any unlawful disconnects performed since 1/1/23 while operating without PUC approval.
4. Compel O'Neal Water and/or Baxter Water services to provide proof, including all correspondence and/or documentation notes upon my account, that any alleged tampering of the existing valve at 131 32 ½ Lane was ever discussed/addressed with me, Ivan Valles, at any point in the past while under the ownership of O'Neal Water, to substantiate Baxter Water Services claim that I've tampered with said valve. This is a completely baseless claim without merit, and neither provider could possibly have such documentation. Should they be unable to prove this, see number 5.
5. Disallow/invalidate Baxter Water Services \$800 "tap" fee they have billed me for, as shown upon the 2/1/23 bill received, again, on the justification that said valve is required because I allegedly tampered with the existing valve. Unless this can be proved, which it can't, this is a completely baseless claim and nothing more than a directed predatory tactic against some

customers to generate revenue. If they want a new shut off valve, need to install at their expense, it's their infrastructure to disconnect with, not mine.

6. Disallow/invalidate Baxter Water Services \$50 fee for "arrival to disconnect", and their \$100 fee for "arrival to disconnect 2 times" as shown on the 2/1/2023 bill we've received. Not my fault they can't complete their work on their first visit, much less get to charge me for it...
7. Disallow/invalidate Baxter Water Services claim upon 2/1/23 bill that I had \$235 in prior balance, this is impossible with only one-month of service provided at \$58.75, and having previously satisfied my account with O'Neal Water to a zero balance on 12/4/2022 thru O'Neal's UMax Bill Pay system.
8. Have it be decreed that the only amounts own to Baxter Water is \$58.75 for the month of January 2023, a \$15 late fee for January service, and now \$58.75 for the month of February 2023, for a total due of \$132.50 by the end of February 2023.
9. Compel O'Neal/Baxter Water to provide USPS Certified proofs of mailing and receipt regarding the disconnect notice(s) Baxter Water has claimed to have sent to our home. None were received, nor does any certified mailing exist to prove said disconnect notices were received.
10. Investigate Baxter Water Service selective enforcement practices, and why some customers are being targeted, while others are not. My neighbor directly across the street, Carl Parish, an Anglo, was overdue nearly a year's worth of service, and was never disconnected. Questions have arisen amongst neighbors whether Baxter Water Services efforts are unfairly targeting some customers on the basis of ethnicity or some other protected class status. Additionally, it is suspected that O'Neal/Baxter Water may be pursuing this action in retribution for a complaint I filed in regards to O'Neal in late 2022 regarding a 5-day long water main break that went unresolved until the Pueblo County Health Dept. and CDPHE stepped in to intervene and compel the repair.

11. Compel O'neal Water/Baxter Water to produce the last 5 years of water quality reports, to be mailed to all customers' service locations no later than Feb. 28, 2023. No other customer in the neighborhood I have spoken with has received a water quality report in many years as required.
12. Compel the emergency transfer of this troubled utility to a competent public utility provider such as the Pueblo Board of Water Works or St. Charles Mesa Muni. Water District.

I request that both Baxter Water Services and O'Neal Water are referred to the State AG's office, and pursued to the fullest extent allowable by the courts. We expect a written explanation from Mr. Jarden, on why, he would feel he is not subject to criminal proceedings for his illegal incursion onto our property on 2/13/23, and potentially again on 2/14/23, which will be referred to our attorney and the Pueblo County District Attorney's Office. Thank you for your time and efforts.

Sincerely,

 Feb- 15, 2023

Ivan Valles

ENCLOSURE(S)/EXHBIT(S):

1. 02/01/2023 Bill received from Baxter Water Services on 2/14/2023 via USPS
2. Envelope carrying the 02/01/2023 bill

- Received, 2/14/2023 -

EXHIBIT 1
Ivan Valles

BAXTER WATER & SERVICES
P.O. BOX 7565
PUEBLO WEST, CO 81007
719-960-0059

PLEASE REMIT THIS STUB WITH PAYMENT

IVAN VALLES
131 32ND 1/2 LN.
PUEBLO, CO 81006

DUE DATE	ACCT NUMBER
02/28/2023	188
BY DUE DATE	AFTER DUE DATE
\$1,082.50	\$1,097.50

AMOUNT DUE

SERVICE ADDRESS > 131 32 1/2 LANE Residential

KEEP THIS PORTION FOR YOUR RECORDS

BAXTER WATER & SERVICES P.O. BOX 7565
719-960-0059 PUEBLO WEST, CO 81007

ACCOUNT NUMBER		BILLING DATE
188		02/01/2023
CURRENT	PREVIOUS	USAGE
		FLAT
FROM	TO	DAYS
02/01/2023	02/28/2023	27

SERVICE ADDRESS	DUE DATE
131 32 1/2 LANE	02/28/2023
DESCRIPTION	AMOUNT DUE

Prior Balance	235.00	- illegitimate
Payment(s)	-0.00	
Water	58.75	OK ✓
Water Adjustment - Reason: Tap	800.00	} illegitim
Water Adjustment - Reason: Arrival To Disconnect	50.00	
Late Fee	15.00	
Water Adjustment - Reason: Arrival To Disconnect 2 Times	100.00	
Water Adjustment - Reason:	-176.25	
Total:	1,082.50	

BY DUE DATE	AFTER DUE DATE
\$1,082.50	\$1,097.50

AMOUNT DUE

Account: 188
IVAN VALLES
131 32ND 1/2 LN.
PUEBLO, CO 81006

Baxter Water & Services
Po Box 7565
Pueblo West CO 81007-0565

DENVER CO 802

11 FEB 2023 PM 9 L



\$0.61
US POSTAGE
FIRST-CLASS PERMIT NO. 810
PUEBLO CO
02/10/2023
stamp
endic



Ivan Valles
131 32 1/2 Ln
PUEBLO CO 81006-9416

EXHIBIT 2
Ivan Valles

**UTILITY AGREEMENT TO MEDIATION FORM
COLORADO PUBLIC UTILITIES COMMISSION**

The mediation process is available to resolve the following complaint:

Date Sent: Thursday, February 16, 2023

Complainant's Name & address:

Ivan G. Valles
131 32 1/2 Lane
Pueblo, CO 81006

Complainant's Phone Number: 719 569 0920

Complainant Has Filed A Formal Complaint: Yes

Proceeding Number: 23F-0081W

The Utility agrees to mediate this complaint: (check only one)

YES _____

NO _____

Print name of Authorized utility staff: _____

Authorized Signature: _____

Date: _____

YOU MUST RETURN THIS FORM WITHIN FIVE (5) BUSINESS DAYS.

The fax number is (303) 894-2532. The mailing address is:

Attn: April Woods, PUC Mediation Coordinator
1560 Broadway #250
DENVER, COLORADO 80202

IF YOU DO NOT RETURN THIS FORM, THE PUC WILL ASSUME YOU DO NOT WANT TO MEDIATE THIS DISPUTE WITH THE COMPLAINANT.