

# LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER U-35639

QUENTIN HENRY, ET AL.  
VERSUS  
GREATER OUACHITA WATER COMPANY,  
EX PARTE

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*Docket No. U-35639, In re: Complaint of Customers Against Greater Ouachita Water Company.*

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(Decided at the October 23, 2025 Business and Executive Session.)

## ORDER

### *Overview*

In this proceeding, Marjorie Benson, Brenda Chambers, Dorothy Pratt, Jerail Smith, and David Talton (“Complainants”) seek an order from the Louisiana Public Service Commission (“Commission” or “LPSC”), requiring Greater Ouachita Water Company (“Greater Ouachita”, “GOWC”, or “the Respondent”), a non-profit water and wastewater utility under the jurisdiction of the Commission, to refund all amounts paid by the Complainants to GOWC for water service from January 1, 2017 through January 31, 2019. Complainants allege that GOWC violated the following provisions of the Commission’s Water and Wastewater Regulations:<sup>1</sup>

- § 601(A)(2) (by failing to send bills within 60 days of service)
- § 601(A)(5) (by failing to implement a dispute resolution procedure)
- § 601(F) (by estimating bills)
- § 601(G) (by failing to correct billing errors within six months)

Docket No. U-35639 was initiated on August 4, 2020, and following several years of litigation, was scheduled for hearing on August 14–15, 2025. On the eve of trial, counsel for Complainants sought to submit the case on briefs and exhibits. When the hearing was convened on August 14, 2025, the Complainants failed to appear. GOWC and Commission Staff appeared and opposed the motion to submit the case on briefs and exhibits. GOWC presented the testimony of Philip McQueen and Jolie Telano in support of its position.

For the reasons described more fully *infra*, we find that the Complainants have not met their burden of proof and the matter should be dismissed with prejudice.

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<sup>1</sup>See “Attachment A”, General Order 7-26-2017 (Corrected), Docket No. R-34120 - *In Re: Possible modifications to the rules and regulations for water and wastewater utilities to adopt streamlined rules for non-profit systems* (“Water and Wastewater Regulations”).

## ***Procedural History***

In late 2016, following widespread customer complaints, the LPSC directed its Staff to conduct a performance audit of the meter-reading, billing, collection, and customer-service practices of GOWC and its operating contractor, Severn Trent Environmental Services (“STES”),<sup>2</sup> for the year 2016. The Commission published notice of Docket No. X-34345 in its Official Bulletin No. 1131 dated December 30, 2016.<sup>3</sup> With the assistance of an outside consultant, Staff discovered that in approximately April 2016, STES began experiencing difficulties with its meter-reading operations following the termination of its meter-reading subcontractor without a plan for reading the meters. Meter readings were missed or skipped for months, and then “true-up” or “catch-up” bills were issued for multiple months of service once the meters were actually read, resulting in higher-than-normal bills and a rash of customer complaints, to which STES and GOWC were unable to timely respond.

Ultimately, the Staff confirmed during the course of the investigation that GOWC and STES had adopted new policies and procedures that could prospectively provide for more accurate meter reading, billing, and customer service policies and procedures if consistently implemented and followed. Commission Staff proposed a series of recommendations to ensure that GOWC continued to monitor and improve its billing and customer service practices on a going-forward basis.<sup>4</sup> Staff's Performance Audit Investigation Report was published as Docket No. U-34345 in the Commission's Official Bulletin No. 1149 dated September 8, 2017, for an intervention period of 15 days. The intervention period lapsed without intervention. GOWC, STES, and the Commission Staff filed a Joint Report and Draft Order on October 3, 2017, wherein GOWC accepted all of the Staff's recommendations.

The Joint Report and Draft Order was adopted by the Commission at its October 19, 2017 Open Session and memorialized in Commission Order No. U-34345 issued on November 3, 2017. Order No. U-34345 required GOWC to file monthly status updates regarding its ongoing meter performance. In addition, although not required by the Commission as part of Order No. U-34345, GOWC worked with Commissioner Campbell and Commission Staff to voluntarily and proactively develop billing protocols whereby GOWC would charge only minimum bills for

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<sup>2</sup> Severn Trent Environmental Services, now known as Inframark (“STES”), was replaced by Northeast Louisiana Utilities (“NLU”) in June 2018.

<sup>3</sup> LPSC Docket No. X-34345, Louisiana Public Service Commission, ex parte, *In re: Investigation of the meter-reading, billing, collection and customer-service practices of Greater Ouachita Water Company and through its operating contractor, Severn Trent Environmental Services, for the year 2016.*

<sup>4</sup> Performance Audit Investigation Report at 37.

missed or skipped meters, and limit true-up bills to two months once meters were actually read. If a customer was not billed in accordance with the aforementioned protocols, they were provided a credit consistent with what the bills would have been had the protocols been followed.<sup>5</sup> As of the issuance of the Performance Audit Investigation Report, GOWC had issued \$661,000 in bill credits attributable to these efforts. As of the oral argument held in this proceeding on July 29, 2022, that number had increased to \$825,000.<sup>6</sup> On January 22, 2019, Staff Counsel filed correspondence in Docket No. U-34345 stating that GOWC had complied with all of the conditions of Order No. U-34345, and the docket was thereafter closed.

Counsel for Complainants initiated this proceeding on August 4, 2020, by filing a two-page cover letter along with copies of a lawsuit filed in West Monroe City Court.<sup>7</sup> The cover letter stated that the state court matter was recently transferred to the 4<sup>th</sup> Judicial District Court and that the matter was stayed because the plaintiffs had not requested relief from the Commission. Although counsel for Complainants believed the state court claims, including breach of contract, unfair trade practices, negligence, fraud, and attorney's fees, were not the type typically resolved by the LPSC, he sought to "resolve the impasse" and "file a formal complaint with the LPSC on behalf of the clients identified [in the attached pleadings]." He requested that the Commission "either take whatever action you feel to be appropriate on the formal complaint, or, alternatively, advise me in writing that the LPSC will not take action on the complaint," in order to have the stay lifted at the 4th Judicial District Court.

The letter and attachments were docketed as Commission Docket No. U-35639 and published in the Commission's Official Bulletin No. 1226, dated August 21, 2020, with a 25-day intervention period. The intervention period lapsed without intervention. An initial status conference was scheduled for September 28, 2020. Prior to the status conference, on September 25, 2020, GOWC submitted an Answer, Exceptions, and Affirmative Defenses to the Correspondence and its attachments. GOWC advised that the West Monroe City Court had agreed with GOWC that Louisiana's civil courts lack subject matter jurisdiction because the plaintiffs' allegations involve a billing dispute within the exclusive jurisdiction of the Commission, and that the plaintiffs had improperly cumulated a mass action in city court. The city court judgment was

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<sup>5</sup> Performance Audit Investigation Report at 3–4.

<sup>6</sup> Tr. Oral Arg., July 29, 2022 at 11.

<sup>7</sup> The attached lawsuit was captioned *Quentin Henry, et al. versus Greater Ouachita Water Company*, Docket No. 43718, and consisted of a Petition for Damages naming three plaintiffs, a Supplemental and Amending Petition for Damages naming 511 plaintiffs, and a Second Supplemental and Amending Petition for Damages naming an additional 230 plaintiffs, bringing the total number of named plaintiffs to 744.

affirmed by the Louisiana Second Circuit Court of Appeal and by the Louisiana Supreme Court, whereupon the city court case was transferred to the 4<sup>th</sup> Judicial District Court, Docket No. C-20201468, where it is stayed pending Commission resolution.

At the September 28, 2020 status conference in this matter, counsel for Complainants agreed to file a more detailed complaint with an attached list of named Complainants. A complaint reiterating and expounding upon the allegations in the August 4, 2020 correspondence was filed on October 27, 2020 (“the Initial Complaint”). To provide notice of the Initial Complaint, the docket was republished in the Commission’s Official Bulletin No. 1231 dated October 30, 2020, for a 15-day intervention period without intervention. The Initial Complaint contained a number of attachments, including: each of the Petitions for Damages and their respective attached lists of names of putative clients; copies of newspaper articles concerning the Commission and GOWC; copies of correspondence exchanged between counsel for Complainants and Commission Staff; an extensive list of Complainants, along with GOWC account numbers for many of those individuals; and a “GOWC Customer Credit Summary” detailing account numbers, names associated with those account numbers, and bill credits attributed to certain of those account numbers.

The Initial Complaint alleged that GOWC issued fabricated, inaccurate, and misleading bills that undercharged some customers for an extended period before GOWC issued “true-up” bills that included charges for current amounts combined with additional charges imposed retroactively for amounts that had been undercharged during the preceding months. The Complaint further alleged that other customers were overcharged for an extended period of time, but that GOWC did not acknowledge overcharges and did not refund any amount for any overcharge. The Complaint then alleged that, in calendar year 2016, GOWC’s issuance of “true-up” bills resulted in a large number of unusual and outrageous bills, prompting the Complainants to retain legal counsel and file suit in court.

A second status conference was held on December 21, 2020, wherein deadlines were set for the Complainants to file a revised, certified list of individual Complainants, for GOWC to file exceptions to the Initial Complaint, for the Complainants to file responses to the exceptions, and for oral argument. In accordance with that procedural schedule, on January 5, 2021, the Complainants filed a series of documents, including correspondence previously submitted by counsel for Complainants to Commission Staff and District V. On January 19, 2021, GOWC filed

an answer, exceptions, and affirmative defenses to the January 5 filing, urging exceptions of no cause of action, prescription, no right of action, vagueness and ambiguity in the complaint, improper cumulation, and lack of subject matter jurisdiction.

After due proceedings were had, a ruling was issued on May 14, 2021 (“First Ruling on Exceptions”), overruling the exceptions of no cause of action, no right of action, and lack of subject matter jurisdiction, sustaining the exceptions of vagueness and ambiguity in the complaint and improper cumulation, and sustaining in part the exception of prescription. The First Ruling on Exceptions gave the Complainants 90 days to: 1) reduce the number of complainants from 744 to no more than 25, 2) identify the “extant” Complainants,<sup>8</sup> 3) identify material details of the claim, and 4) provide the date upon which GOWC was served with the notice of the lawsuit in West Monroe City Court.<sup>9</sup>

After several requested delays and one failure to appear at oral argument, the Complainants filed an amended complaint on December 1, 2021, reducing their number to five in compliance with the first portion of the May 14, 2021 Ruling (“Amended Complaint”). The Amended Complaint provided the names, addresses, and account numbers of the five Complainants herein, alleging that Greater Ouachita “repeatedly sent ... water bills which were not calculated based on any meter reading and, instead, were arbitrarily determined and/or were calculated based on some internal system established by GOWC.” The Amended Complaint failed to provide details regarding any specific customer bills, dates, or payments that were alleged in the Amended Complaint, aside from an allegation that one Complainant had received a September 2015 bill showing no water usage and an amount due of \$1,863.12. The Amended Complaint further alleged that meter reading would not have been possible since the meters were covered by mud and plant growth. And finally, the Complainants had no independent recollection of the bill credits allegedly issued by GOWC.

Relying on the investigation undertaken by the Commission in Docket No. U-34345, the Complainants alleged that because Greater Ouachita’s records were in disarray, the Complainants are unable to determine the amounts of the overcharges and that they are, therefore, entitled to a return of all amounts paid by them from February 6, 2016, to the present date. The Amended

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<sup>8</sup> The First Ruling on Exceptions used the term “extant” to distinguish the Complainants that remained after all but 25 were dismissed. Once the five extant Complainants were selected, the descriptor was dropped in later rulings.

<sup>9</sup> The First Ruling on Exceptions sustained the exception of prescription with regard to claims that arose more than one year before GOWC was served with the West Monroe City Court lawsuit.

Complaint additionally alleged that GOWC violated the following provisions of the Commission's Water and Wastewater Utility Rules and Regulations:

- 1) § 301 (by failing to utilize a uniform system of accounts)
- 2) § 401 (by failing to keep accurate records)
- 3) § 601(A)(2) (by failing to send bills within 60 days of service)
- 4) § 601(A)(5) (by failing to implement a dispute resolution procedure)
- 5) § 601(F) (by estimating bills)
- 6) § 601(G) (by failing to correct errors within six months)

The Amended Complaint was published in the Commission's Official Bulletin dated December 23, 2021, for a 15-day intervention period without intervention. GOWC filed a supplemental and amended answer, exceptions, and affirmative defenses on March 14, 2022.

GOWC re-urged its dilatory exception of vagueness and ambiguity and urged a peremptory exception of no cause of action as to the new allegations. At the status conference held on March 10, 2022, the parties agreed that the Complainants would be allowed to respond to GOWC's exceptions, and GOWC and Commission Staff would have an opportunity to file a reply. Further, oral argument was set for June 1, 2022.

In accordance with the agreed-upon deadlines, the Complainants filed their opposition to GOWC's renewed exceptions on April 20, 2022. Then, on May 3, 2022, the Complainants filed a motion seeking to have the oral argument converted to a status conference to give the Complainants time to review GOWC's discovery responses received during the week of April 25, 2022. This motion was unopposed, and the oral argument scheduled for June 1, 2022, was converted to a status conference, wherein the parties agreed to a new procedural schedule with additional briefing and an oral argument on July 29, 2022.

Pursuant to the new procedural schedule, the Complainants filed a supplemental memorandum in opposition to GOWC's renewed exceptions on June 22, 2022. GOWC filed a memorandum in further support of the exceptions on July 1, 2022, and Commission Staff filed a memorandum in further support of the exceptions on July 7, 2022. Oral argument was held on July 29, 2022. The Second Ruling on Exceptions, issued on August 29, 2022, found that the Complainants had yet to state with specificity the relief they were seeking, ordering Complainants to amend their complaint to do so within 60 days. The Second Ruling on Exceptions also sustained

GOWC's peremptory exception of no cause of action with regard to §§ 301 and 401 of the Water and Wastewater Regulations, dismissing those claims with prejudice.

In the Second Ruling on Exceptions, the Tribunal noted that the Complainants were still seeking a Commission investigation, but that the Commission had already undertaken its investigation, and that the Complainants had the burden of proving every element of their remaining claims, as follows:

We point out here that the parties continue to conflate complaint proceedings and Commission investigations. As was explained in the First Ruling on Exceptions, a petitioner bringing a complaint pursuant to La. R.S. 45:1196 cannot compel the Commission to perform an investigation or to issue a citation against a regulated utility; however, a petitioner can potentially be entitled to a different kind of relief if, as the party instituting the proceeding and raising the allegations, he or she carries the burden of proof. It appears from the pleadings and argument of counsel that Complainants are still requesting an investigation by the Commission into the specific overcharges for these five Complainants. But that is not the posture of this proceeding. This proceeding is a complaint by customers of a utility. It was not initiated by the Commission Staff. In fact, Commission Staff has joined with the Defendant Greater Ouachita in seeking to have the matter dismissed.

It is within the sole discretion of the Commission whether or not to initiate an investigation, and presumably, the Commission is satisfied with the investigation undertaken in Docket No. U-34345, as that docket has been closed and GOWC found to have been in compliance therewith. While the Commission is not precluded from initiating another investigation for a different time period or pursuant to different parameters, such an investigation is at the discretion of the Commission in its expertise as the constitutional body charged with regulating public utilities and would not necessarily entitle Complainants to their requested relief. With regard to any relief sought by Complainants on their own behalf, they will be charged with proving every element of their claims before the Commission.<sup>10</sup>

No party sought review of the Second Ruling on Exceptions. The Complainants filed their second amended complaint on October 24, 2022 ("Second Amended Complaint") within the 60-day delay provided for in the Second Ruling on Exceptions. The Second Amended Complaint attached as exhibits copies of the Complainants' detailed customer payment histories from June 1, 2018 through April 22, 2022, which were obtained in discovery after the Second Ruling on Exceptions. At a status conference held on November 14, 2022, deadlines were set for the filing of responsive memoranda by GOWC and Commission Staff, and a reply by Complainants.

On December 3, 2022, GOWC filed supplemental pleadings, including exceptions of no cause of action and res judicata. Staff filed a response on December 9, 2022, in which it supported the exceptions of GOWC, and Complainants filed a response on January 3, 2023. The Third Ruling on Exceptions was issued on April 12, 2023, confirming that the claims that arose during the period

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<sup>10</sup> Second Ruling on Exceptions at 20–21 (citations omitted).

of 2016 are barred by res judicata,<sup>11</sup> and overruling GOWC's exception of no cause of action to the Complainants' § 601 allegations, as follows:

As stated in this Tribunal's Second Ruling on Exceptions, for purposes of an exception of no cause of action, the focus is on whether or not the allegations raised in the petition, taken as true and construed in the light most favorable to the plaintiff, entitle the plaintiff to a remedy. In our previous ruling, we instructed the Complainants to make specific allegations with regard to the § 601 violations. We conclude that the Complainants have made sufficient allegations and provided sufficient specificity with regard to the allegations of irregularities in billing, which could be considered evidence of estimation of bills in violation of § 601 of the Commission's Water and Wastewater Regulations. The burden will be on the Complainants to prove this at a hearing.

We agree with the Commission Staff that the exclusive remedies are those that are available to the Complainants pursuant to § 1301. We will reserve for determination at a later date what those remedies are, after the parties have had an opportunity to fully brief the issues. Even though we precluded refunds based on the vagueness in the original and amended complaints, if Complainants can prove the § 601 violations at a hearing, they will not be precluded from making the argument that refunds are appropriate under the remedies provided for in § 1301.<sup>12</sup>

No party sought review of the Third Ruling on Exceptions. At a status conference held on May 15, 2023, a hearing on the merits was set for April 10–11, 2024. Another status conference was held on October 13, 2023, to discuss preliminary matters, but the hearing dates were left unchanged. However, the parties, unable to agree on the remaining issues to be litigated, requested an additional status conference to set pre-trial motion deadlines. The Complainants thereafter filed several motions, including a motion to strike portions of GOWC witness McQueen's testimony and a motion for partial summary judgment. Those motions were denied in a ruling issued on September 9, 2024. Complainants did not seek review of that ruling.

At a status conference held on October 8, 2024, the hearing was reset for February 13–14, 2025. The Joint Pre-Hearing Statement and Pre-Hearing Briefs were filed on January 31, 2025, and February 5, 2025, respectively. On February 12, 2025, the Complainants filed an unopposed motion to continue the hearing due to a combination of physical ailments and inclement weather preventing the Complainants and their counsel from arriving safely in Baton Rouge for the hearing. The motion was granted, and a telephone status conference was held on February 20, 2025, to set a new hearing date. The parties agreed to new hearing dates of August 14–15, 2025, and advised that no changes to the pre-hearing statement or briefs were necessary.

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<sup>11</sup> Third Ruling on Exceptions at 12.

<sup>12</sup> *Id.*

The Joint Pre-Hearing Statement filed on January 31, 2025, identified the following contested issues for hearing:<sup>13</sup>

1. Whether during the period from January 1, 2017, and forward, GOWC violated § 601 (A)(2) of the Commission's Water and Wastewater Rules and Regulations by failing to send bills within 60 days of service.
2. Whether during the period from January 1, 2017, and forward, GOWC violated § 601 (A)(5) of the Commission's Water and Wastewater Rules and Regulations by failing to implement a dispute resolution procedure.
3. Whether during the period from January 1, 2017, and forward, GOWC violated § 601 (F) of the Commission's Water and Wastewater Rules and Regulations by estimating bills.
4. Whether during the period from January 1, 2017, and forward, GOWC violated § 601 (G) of the Commission's Water and Wastewater Rules and Regulations by failing to correct errors within six months.
5. If Complainants prove that GOWC violated §§ 601 A(2), A(5), (F) and/or (G) of the Commission's Water and Wastewater Rules and Regulations during the period of January 1, 2017 and forward, (i) whether refunds are appropriate under the remedies provided for in § 1301 of the Commission's Water and Wastewater Rules and Regulations and (ii) whether claims to refunds are barred by res judicata?

Two days before the scheduled hearing, on August 12, 2025, the Complainants filed a Motion and Order to Dismiss Without Prejudice so that they could proceed in state court. The motion was denied because Rule 56(d) of the Commission's Rules of Practice and Procedure does not allow a Complainant to dismiss a matter without prejudice unilaterally after responsive pleadings have been filed. On August 13, 2025, the Complainants filed a Motion and Order to Submit on Briefs and Exhibits.

Complainants failed to make an appearance at the August 14, 2025 hearing. When the Motion and Order to Submit on Briefs and Exhibits was taken up, both GOWC and Commission Staff objected. GOWC was unwilling to waive the right to cross-examine the Complainants, having advised the Complainants of this position previously. Moreover, the age and travel limitations of the Complainants, the purported justification for the motion, were known when the Complainants were selected to move forward in the docket out of the more than 744 state court plaintiffs. Counsel for Commission Staff echoed the arguments of counsel for GOWC.

The Motion and Order to Submit on Briefs and Exhibits was denied orally in open court on the following bases: this proceeding has been pending for five years; it has been scheduled for hearing since February 20, 2025, with no real change in circumstances since the scheduling of the

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<sup>13</sup> The Complainants narrowed the period at issue to January 1, 2017 – January 31, 2019 in their pre-hearing statement.

hearing; and Complainants have sought from the outset to proceed in state court despite the fact that billing disputes fall squarely within the jurisdiction of the Commission.

The Proposed Recommendation of the Administrative Law Judge was issued on August 27, 2025, in the form of a draft order dismissing the matter with prejudice. GOWC filed an exception to the Proposed Recommendation, agreeing with the Administrative Law Judge's analysis and conclusions but requesting additional language in the procedural history section of the recommendation stating that the Third Ruling on Exceptions ordered that claims arising during the period of 2016 are barred by res judicata. The Complainants did not seek review of any of the rulings of the Tribunal. Nor did they file an exception to the Proposed Recommendation, or respond to the exception filed by GOWC.

The Final Recommendation of the Administrative Law Judge incorporated the additional language sought by GOWC. The Commission considered the Final Recommendation of the Administrative Law Judge at its October 23, 2025 Business and Executive Session. On motion of Vice Chairman Skrmetta, seconded by Chairman Francis, with Commissioner Campbell and Commissioner Lewis concurring, and Commissioner Coussan temporarily absent, the Commission voted to accept the Final Recommendation of the ALJ, thereby dismissing this matter with prejudice.

### ***Applicable Law***

The Commission exercises jurisdiction in this proceeding pursuant to Article IV, § 21 of the Louisiana Constitution of 1974, which provides in pertinent part:

The commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and perform other duties as provided by law.

Additional regulatory authority has been delegated to the Commission by the Legislature.

Louisiana Revised Statute 45:1163(a)(1) provides that:

The Commission shall exercise all necessary power and authority over any street, railway, gas, electric light, heat, power, waterworks, or other local public utility for the purpose of fixing and regulating the rates charged or to be charged by and service furnished by such public utilities.

In accordance with its constitutional and statutory authority, the Commission adopted Water and Wastewater Regulations, which were most recently modified in the General Order dated

July 26, 2017 (Docket No. R-34120).<sup>14</sup> The following provisions of the Water and Wastewater Regulations are at issue herein:

§ 601(A) General Billing Regulations:

(2) All billing for services must be presented for payment to the customer within sixty (60) days of the date the customer incurs the charge, except as provided in § 601(F) concerning billing errors.

(5) Interim dispute resolution procedures including interruption and disconnection of services procedures, details as to how a customer can dispute a charge, lodge a complaint, and/or appeal to the Commission must be filed with the Commission and supplied to the customer upon request. The Commission will remain accessible to hear and resolve customer complaints.

§ 601(F) Estimating Utility Bills:

(1) Utilities utilizing meters shall not bill a customer for utility consumption except on the basis of actual meter reading. This shall not be applicable to utilities whose member-customers provide the meter reading services.

(2) Exceptions may be made in those cases when meters are read pursuant to mutual agreement between the utility and the customer or when monthly meter readings are not feasible.

(3) Exceptions are granted for estimations when the inability to read the meter is not the fault of the company, provided that the company either leave on the premises or mail a post card to the customer to read the meter and return the card to the company. The bill can then be estimated for the billing period if the customer fails to return the card with the appropriate meter readings.

(4) The Commission authorizes the estimation of bills where it is found that the meter has been tampered with or where there is fraud involved.

(5) Estimations may also be made where the meter has been found to be faulty only if the customer agrees; if the customer does not agree, the request for estimation must be presented to the Louisiana Public Service Commission for its prior approval.

(6) In no instance can the estimated billing exceed a period of 12 months from the date of discovery of the faulty meter. (See LPSC General Orders dated 7/11/75 & 1/21/76).

§ 601(G) Collection of Billing Errors: No rate on file with this Commission, and billings made pursuant thereto, shall be effective against a customer where the utility company has permitted six months to elapse between the rendition of service and accurate billing. Advance notice of billing errors must be provided to the customer before collection for such errors is permitted. (See LPSC General Order dated 4/21/93).

§ 1301. Violations.

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<sup>14</sup> The Water and Wastewater Regulations were originally adopted in Corrected General Order dated March 9, 2012 (Docket No. R-31850) and amended in the General Order dated September 12, 2014 (Docket No. R-33198), for the purpose of summarizing existing regulations and guidelines.

Failure of a water or wastewater utility to comply with any of the above regulations, or any Commission order for which other fines or penalties are not previously established may, after notice and hearing, result in the imposition of monetary fines not to exceed ten thousand dollars (\$10,000) per violation and/or other penalties as provided by law.

In addition, Louisiana Revised Statute 45:1196 authorizes a complainant alleging a violation of a Commission order, rule, regulation, rate, or classification by an LPSC-jurisdictional entity to file a petition with the Commission stating the nature of the complaint. Additionally, Louisiana Revised Statute 45:1197 states that the Commission may order the LPSC-jurisdictional entity to pay an award of damages to the complainant if, after a hearing on the complaint, the Commission determines that the complainant is entitled to an award due to the LPSC-jurisdictional entity's violation of a Commission order, rule, regulation, rate, or classification.

### ***Parties' Positions***

#### **Complainants**

In their Second Amended Complaint, Complainants allege that their meters were not read timely, bills were not timely sent, and timely corrections were not made between January 1, 2017, and January 31, 2019. Further, Complainants allege that from June 3, 2018, when NLU took over the billing, and January 31, 2019, when meter installation was complete, it appears that NLU relied on estimated rather than actual readings. According to the Complainants in their pre-hearing brief, "Ms. Telano's testimony may shed light on this point."

Because GOWC and Commission Staff opposed the Complainants' eleventh-hour motion to submit the matter on briefs, and further objected to the introduction of the Complainants' exhibits without the benefit of cross-examination, no testimony or evidence was submitted in support of the Second Amended Complaint.

#### **The Respondent**

The Respondent, GOWC, presented the testimony of Philip McQueen and Jolie Telano.

#### ***Testimony of Philip McQueen***

Mr. McQueen is President of GOWC. He is also a licensed attorney in the State of Louisiana. Mr. McQueen began serving as Secretary of the GOWC Board in 2012 and was appointed President of GOWC in 2018. He has run the day-to-day operations of GOWC since March 2017, when the previous President became ill. He has been personally involved in this proceeding and the civil litigation.

Mr. McQueen summarized his pre-filed testimony, stating that he responded to the allegations of Complainants, supported GOWC's compliance with the Water and Wastewater Regulations, and gave an overview of GOWC and its water and wastewater systems. He provided a background of the 2016 audit and introduced GOWC witness Jolie Telano. Mr. McQueen testified that GOWC is a private non-profit corporation that serves approximately 23,000 water customers and 6,000 sewer customers in Ouachita Parish, Louisiana. Since its inception in 1963, GOWC has utilized a third-party contract operator, who is overseen by GOWC's Board of Directors. As part of his day-to-day oversight, Mr. McQueen is in constant contact with the current contract operator, NLU, primarily through its President, Jeff McNew.

Mr. McQueen testified that he believes the Complainants misunderstand the voluntary nature of the credits issued in accordance with the billing protocols implemented following the 2016 audit. Those voluntary credits were issued to customers who had been sent higher-than-normal "catch-up bills" as a result of missed meter readings. Mr. McQueen reiterated that those credits were not made as a result of any violations of the Commission's Water and Wastewater Regulations. In addition, the credits were not refunds for overpayment because the bills had been issued for water actually consumed.

Upon examination by Commission Staff concerning each section of the Water and Wastewater Regulations for which there is a pending allegation, Mr. McQueen testified that GOWC presented all bills to customers within 60 days of the date of the charge in compliance with § 601(A)(2), GOWC has an interim dispute resolution procedure including interruption and disconnection procedures in place in compliance with § 601(A)(5), GOWC has issued bills on the basis of actual meter reading in compliance with § 601(F), and has not issued bills more than six months after service, in compliance with § 601(G).

Mr. McQueen identified Greater Ouachita's Tariff for Residential, Domestic and Commercial Water Services, confirming that it references terms and conditions, which are the Rules and Regulations on file with the Commission, and that the Rules and Regulations address discontinuation and interruption of service, and disconnection for nonpayment by a customer. In connection with Mr. McQueen's testimony, the following exhibits were admitted:

GOWC Exhibit 1,  
*in globo*

A copy of the pre-filed Direct Testimony and Exhibits of Philip McQueen, with errata filed on August 8, 2025 (HSPM Version, under seal);

GOWC Exhibit 2,  
*in globo*

A copy of the pre-filed Direct Testimony and Exhibits of Philip McQueen, with errata filed on August 8, 2025 (Public Redacted Version);

GOWC Exhibit 5

A copy of GOWC's Tariff (Version 12 - Issued and Effective January 8, 2025); and

GOWC Exhibit 6

A copy of GOWC's Rules and Regulations Effective December 11, 2015.

*Testimony of Jolie Telano*

Ms. Telano testified that she is the billing manager for NLU, the operator for GOWC. In that role, she is responsible for all billing-related duties. She oversees all billings, payments, delinquencies, and nonpayment disconnects. She is responsible for the beacon interface, GOWC's online meter-reading interface, maintenance procedures, and data management of all of the meter inventory devices, and she oversees the application of the billing software and the integrity of the data within it.

Ms. Telano noted changes to her pre-filed direct testimony reflecting a new office address and an update to the redacted version to include a signed affidavit, as it was previously only provided with the confidential version. Otherwise, her pre-filed direct testimony, supporting GOWC's billing practices and their compliance with § 601 of the Commission's Water and Wastewater Regulations, remains unchanged.

Ms. Telano was the billing manager for NLU when it took over operations for GOWC. GOWC continued voluntarily reporting the percentage of skipped meters, as did STES, n/k/a Inframark. When NLU took over, she received the records that had been provided by the previous operator and continued reporting the percentage of skipped meters until August 2021, when nearly all meters had been changed to automated meters, and meter reading was at 100%. She testified that GOWC only estimates bills if a meter is busted or damaged, at which time a six-month average bill would be issued consistent with the Commission's Water and Wastewater Regulations. If there is a billing error, a work order is created, and a technician manually reads the meter. If an adjustment is due, the customer is contacted and advised what they should look for on their bill. If a customer wants to lodge a complaint, all that is necessary is to contact the office and speak with a customer service representative. If the customer service representative is unable to assist the customer, the call will be immediately escalated to a manager.

Ms. Telano testified that the Complainants' account histories show that all of the Complainants have contacted GOWC numerous times over the years, including over the period at issue in this proceeding. Ms. Telano testified that there are no currently outstanding complaints for the Complainants' accounts. All five Complainants' account histories show that they were provided the credits that they were owed following the audit. In Ms. Telano's opinion, GOWC has complied with § 601 of the Commission's Water and Wastewater Regulations since at least June 2018. Along with Ms. Telano's testimony, the following exhibits were admitted:

GOWC Exhibit 3,  
*in globo*

A copy of the pre-filed Direct Testimony and Exhibits of Jolie Telano, (HSPM Version, admitted under seal); and

GOWC Exhibit 4,  
*in globo*

A copy of the pre-filed Direct Testimony and Exhibits of Jolie Telano (Public Redacted Version).

### ***Analysis***

In the First, Second, and Third Rulings on Exceptions, the Complainants were put on notice that the allegations in their pleadings were insufficient to meet their burden of proof. In addition, in the Ruling on the Complainants' motions to strike and for partial summary judgment, Complainants were put on notice that prepared testimony would only be admitted into the hearing record through the testimony of a witness at the hearing unless the other parties waive cross-examination, which they were unwilling to do.<sup>15</sup>

Despite numerous attempts by GOWC to have this matter dismissed, the Complainants have been given multiple bites at the apple. Notwithstanding the opportunities provided to the Complainants, their eleventh-hour motion to have this proceeding dismissed so that they can proceed in state court solidifies the fact that they are not interested in proving their allegations before the Commission. By seeking to have the matter dismissed before the hearing, and then, when that motion failed, to submit the matter without a hearing, the Complainants have waived their opportunity to establish a prima facie case, a preliminary requirement to meet their burden of proof.<sup>16</sup> Therefore, each of the contested issues will be addressed in the context of the evidence admitted into the hearing by GOWC.

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<sup>15</sup> See Ruling on Complainants' Motions issued September 9, 2024, at 7.

<sup>16</sup> *Landiak v. Richmond*, 899 So.2d 535, 542 (La. 2005).

**Issue 1: Whether during the period from January 1, 2017, to January 31, 2019, GOWC violated § 601 (A)(2) of the Commission's Water and Wastewater Rules and Regulations by failing to send bills within 60 days of service.**

The Complainants have not established a prima facie case on this issue. In addition, GOWC presented uncontroverted testimony that GOWC sends bills within 60 days of service. Therefore, this claim should be dismissed with prejudice.

**Issue 2: Whether during the period from January 1, 2017, to January 31, 2019, GOWC violated § 601 (A)(5) of the Commission's Water and Wastewater Rules and Regulations by failing to implement a dispute resolution procedure.**

The Complainants have not established a prima facie case on this issue. In addition, GOWC presented uncontroverted testimony that GOWC has a dispute resolution procedure. GOWC's Rules and Regulations were entered into evidence at the hearing. Communications between the Complainants and GOWC customer service were also entered into the record. Therefore, this claim should be dismissed with prejudice.

**Issue 3: Whether during the period from January 1, 2017, to January 31, 2019, GOWC violated § 601 (F) of the Commission's Water and Wastewater Rules and Regulations by estimating bills.**

The Complainants have not established a prima facie case on this issue. In addition, GOWC presented uncontroverted testimony that GOWC does not estimate its bills, nor does it have a history of doing so. There is a limited instance in which GOWC estimates bills when a meter is damaged. This is consistent with the LPSC's Rules and Regulations. Therefore, this claim should be dismissed with prejudice.

**Issue 4: Whether during the period from January 1, 2017, to January 31, 2019, GOWC violated § 601 (G) of the Commission's Water and Wastewater Rules and Regulations by failing to correct errors within six months.**

The Complainants have not established a prima facie case on this issue. In addition, GOWC presented uncontroverted testimony that GOWC corrects billing errors within six months. Therefore, this claim should be dismissed with prejudice.

**Issue 5: If Complainants prove that GOWC violated §§ 601 A(2), A(5), (F) and/or (G) of the Commission's Water and Wastewater Rules and Regulations during the period of January 1, 2017 and forward, (i) whether refunds are appropriate under the remedies provided for in § 1301 of the Commission's Water and Wastewater Rules and Regulations and (ii) whether claims to refunds are barred by res judicata?**

This issue is moot since the Complainants did not meet their burden of proof.

**Conclusion**

Based on the testimony and evidence presented, we conclude that the Complainants have failed to make a prima facie case. Accordingly, we conclude that the Complainants failed to meet their burden of proof on each of the remaining allegations in this matter, and this proceeding should be dismissed with prejudice.

Therefore,

IT IS HEREBY ORDERED that:

1. This matter is dismissed with prejudice; and
2. This Order shall be effective immediately.

**BY ORDER OF THE COMMISSION  
BATON ROUGE, LOUISIANA  
November 13, 2025**



A handwritten signature in blue ink, appearing to read "Brandon M. Frey".

**BRANDON M. FREY  
SECRETARY**

*/S/ MIKE FRANCIS*

**DISTRICT IV**

**CHAIRMAN MIKE FRANCIS**

*/S/ ERIC F. SKRMETTA*

**DISTRICT I**

**VICE CHAIRMAN ERIC F. SKRMETTA**

*/S/ FOSTER L. CAMPBELL*

**DISTRICT V**

**COMMISSIONER FOSTER L. CAMPBELL**

*/S/ DAVANTE LEWIS*

**DISTRICT III**

**COMMISSIONER DAVANTE LEWIS**

*ABSENT*

**DISTRICT II**

**COMMISSIONER JEAN-PAUL P. COUSSAN**