

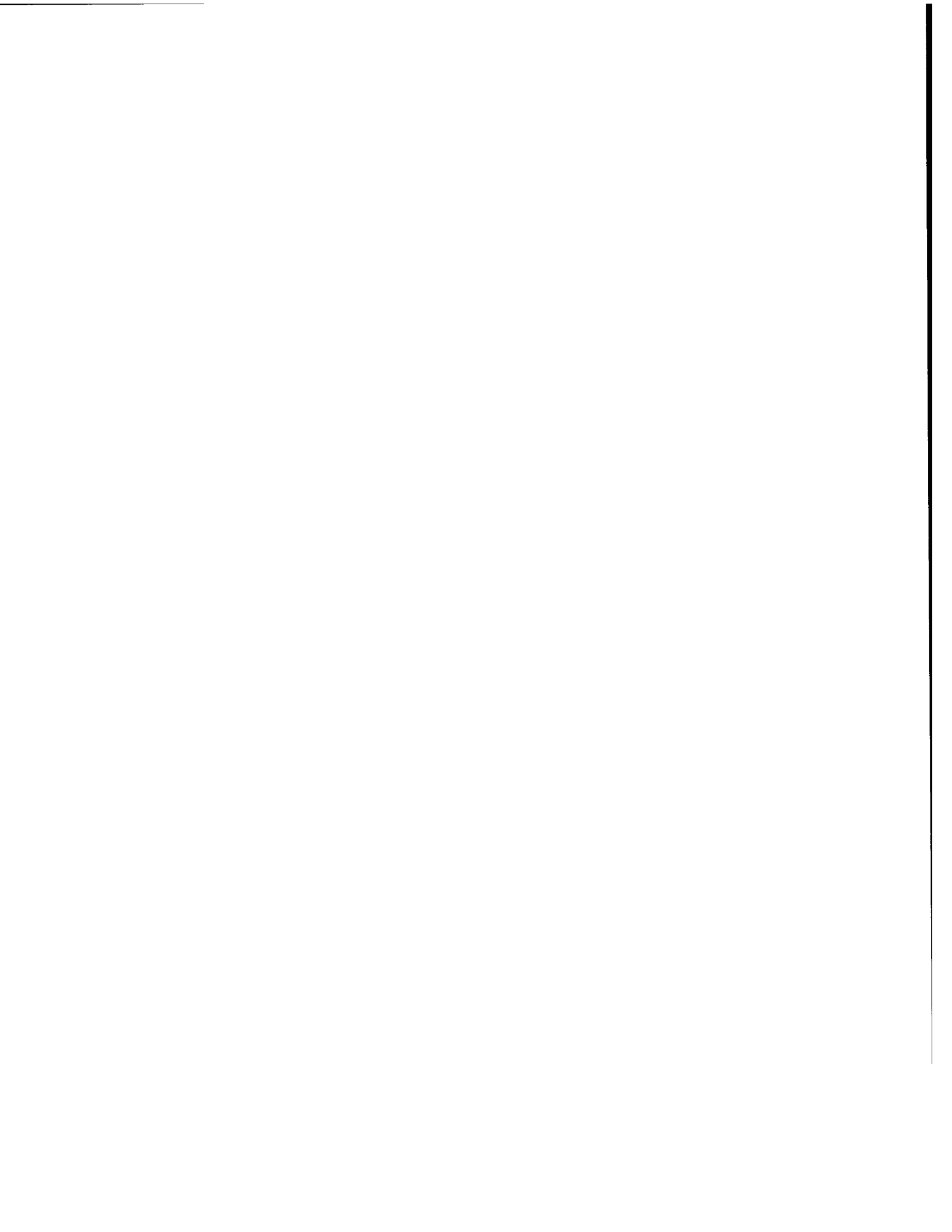


Control Number: 42860



Item Number: 21

Addendum StartPage: 0



42860

SOAH DOCKET NO. 582-14-1052
TCEQ DOCKET NO. 2013-1735-UCR

RECEIVED
2014 SEP -4 PM 2:07
PUBLIC UTILITY COMMISSION
FILING CLERK

APPLICATION OF DOUGLAS § BEFORE THE STATE OF TEXAS
UTILITY COMPANY, TO §
CHANGE ITS WATER AND § OF
SEWER RATES IN HARRIS COUTN Y §
TEXAS, CCN NOS. 11369 & 20527 § ADMINISTRATIVE HEARINGS

MOTION TO DISMISS AND REMAND

TO: THE HONORABLE ADMINISTRATIVE LAW JUDGE PENNY WILCOV:

COMES NOW the Executive Director of the Texas Commission on Environmental Quality and files this Motion to Dismiss and Remand the above-referenced case. On July 29, 2014, the parties participated in mediation and settled all matters of dispute in this cause. Attached hereto are the settlement documents signed by all parties.

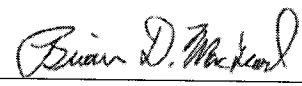
Wherefore, premises considered the ED requests that the case be dismissed from SOAH's docket and remanded to the Executive Director of the TCEQ for processing.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Richard A. Hyde, P.E., Executive Director

Robert Martinez, Director
Environmental Law Division



Brian MacLeod
Staff Attorney
Environmental Law Division
State Bar of Texas No. 12783500
P.O. Box 13087; MC 173
Austin, Texas 78711-3087
Phone: (512) 239-0750
Fax: (512) 239-0606

ATTORNEYS FOR THE
EXECUTIVE DIRECTOR

CERTIFICATE OF SERVICE

I certify that on July 30, 2014, a copy of the foregoing document was filed with the Office of the Chief Clerk, Texas Commission on Environmental Quality, Austin, Texas and sent by first class, agency mail, electronic mail, and/or facsimile to the persons on the attached Mailing List.



Brian MacLeod
Staff Attorney

Mailing List
Douglas Utility Company
TCEQ Docket No. 2013-1735-UCR
SOAH Docket No. 582-14-1052

The Honorable Penny Wilcov
Administrative Law Judge
State Office of Administrative Hearings
300 West 15th Street, Suite 502
Austin, Texas 78701
(512) 322-2061 (FAX)

FOR THE APPLICANT:

Mark H. Zeppa, Attorney
Law Office of Mark H. Zeppa, P.C.
4833 Spicewood Springs Rd., Ste. 202
Austin, Texas 78759-8436
512.346.4011
512.346.6847 (Fax)
markzeppa@austin.rr.com

RATEPAYERS:

John L. Wilson
McGinnis Lochridge, LLP
600 Congress Ave., Ste. 2100
Austin, Texas 78701
512.495.6015
512.505.6315 (Fax)
jwilson@mcginnislaw.com

Karl E. Wolff
5523 Mendota Lane
Houston, Texas 77032
713.301.7149 (Cell)
kwolffsr@att.net

FOR THE CHIEF CLERK:

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental
Quality
Office of Chief Clerk, MC 105
P. O. Box 13087
Austin, Texas 78711-3087
512.239.3300
Fax: (512) 239-3311
Bridget.c.bohac@tceq.texas.us

**FOR THE PUBLIC INTEREST
COUNSEL:**

Garrett Arthur, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel MC 103
P.O. Box 13087
Austin, Texas 78711-3087
512.239.5757
512.239.6377 (Fax)
Garrett.arthur@tceq.texas.us

CASE SETTLEMENT RECORD

UTILITY DOUGLAS UTILITY CO. CCN NO. 20527
SOAH DOCKET NO. 582-14-1052 TCEQ DOCKET NO. 2013-1735-UCR
HEARINGS EXAMINER PENNY WILKOV APPLICATION NO. 37555-R
PLACE, DATE & TIME OF HEARING SOAH, 7-29-14, 9:00 am

AGREED SETTLEMENT

EFFECTIVE DATE OF AGREED RATES - 7-29-14
WHICH APPLIES TO ALL SERVICE PROVIDED ON OR AFTER (DATE) 8-12-2014

WATER RATES:

GALLONAGE RATE: \$ 1.65 /1,000 gallons

METER SIZE MINIMUM BILL

5/8 or 3/4	\$ <u>20.00</u>
1	\$ <u>50.00</u>
1 1/2	\$ <u>100.00</u>
2	\$ <u>160.00</u>
3	\$ <u>300.00</u>
4	\$ <u>500.00</u>
6	<u>1,000.00</u>
8	<u>1,600.00</u>

Ø GALLONS INCLUDED IN MINIMUM BILL

WINTER MONTHS AVERAGE
DEC, JAN, FEB FOR ALL
CUSTOMERS

MISCELLANEOUS FEES:

RESIDENTIAL TAP FEE	\$ <u>650.00</u>
RECONNECTION FEES	
DISCONNECTED FOR NON PAYMENT (TCEQ RULES)	\$ <u>25.00</u>
OTHER THAN NON PAYMENT <u>CUSTOMER REQUEST</u>	\$ <u>50.00</u>
TRANSFER	\$ <u>25.00</u>
RETURNED CHECK FEE	\$ <u>30.00</u>
CUSTOMER DEPOSIT (TCEQ RULES)	\$ <u>50.00</u>
LATE PAYMENT PENALTY (TCEQ RULES)	\$ <u>5.00</u>
METER TEST FEE (TCEQ RULES)	\$ <u>25.00</u>

CASE SETTLEMENT RECORD (cont'd)

SEASONAL RECONNECTION:

N/A

PASS THROUGH RATE ADJUSTMENT CLAUSE:

REASON FOR CLAUSE:

N/A

COMPUTATION FOR ADJUSTMENT:

MINIMUM BILL =

GALLONAGE CHARGE =

SURCHARGE:

AMOUNT - \$ 0 PER CONNECTION PER MONTH FOR _____ MONTHS

TERMS:

- SURCHARGE CONSIDERED CUSTOMER CONTRIBUTIONS IN AID OF CONSTRUCTION.
- FUNDS DEDICATED TO SPECIFIC IMPROVEMENTS LISTED BELOW.
- FUNDS PLACED IN SPECIAL SURCHARGE ACCOUNT.
- UTILITY MUST ISSUE A MONTHLY STATEMENT OF ACCOUNT.
- COMMISSION APPROVAL (IN WRITING) REQUIRED FOR DISBURSEMENT.

QUALITY OF SERVICE:

REQUIRED IMPROVEMENT

N/A

DATE DUE

VIOLATION TO BE CORRECTED:

N/A

(CCN PROBLEMS, TCEQ RULES OR ORDERS)

CASE SETTLEMENT RECORD (cont'd)

REFUNDS:

YES

NO

____ LUMP SUM -- DUE: _____ AMOUNT: _____
____ BILLS CREDITED -- \$ _____ PER CONNECTION EACH MONTH FOR 21 MONTHS
(ATTACH COMPUTATIONS IF NECESSARY)

REFUNDS ARE FOR THE DIFFERENCE BETWEEN

PARTIES:

PROPOSED RATES AND SETTLED RATES.

TCEQ Exec. Director: [Signature] as witness

Public Interest Council: [Signature] (WITNESS ONLY)

Utility: [Signature]

Protestants: Karl E. Wolff - KARL E. WOLFF REPRESENTING FOUNTAINVIEW HOME OWNERS ASSOCIATION.

Michael B. White - MICHAEL B. WHITE REPRESENTATIVE OF EQUALITY COMMUNITY HOUSING CORP. / HAUGSTOCK

(Additional pages attached)

ATTACHMENTS:

- ____ PREVIOUSLY APPROVED TARIFF.
- ____ RELATED SCHEDULES OR COMPUTATIONS.
- ____ BLANK TARIFF OR RATE SCHEDULE PAGE.
- ____ QUALITY OF SERVICE COMPLIANCE SCHEDULE.

CASE SETTLEMENT RECORD

UTILITY DOUGLAS UTILITY CO CCN NO. 11369
SOAH DOCKET NO. 582-14-1052 TCEQ DOCKET NO. 2013-1735-UCR
HEARINGS EXAMINER PENNY WILKOV APPLICATION NO. 37554-R
PLACE, DATE & TIME OF HEARING SOAH, 7-29-14 9:00am

AGREED SETTLEMENT

EFFECTIVE DATE OF AGREED RATES - 7-29-14
WHICH APPLIES TO ALL SERVICE PROVIDED ON OR AFTER (DATE) 8-12-2014

WATER RATES:

GALLONAGE RATE: \$ 2.00 /1,000 gallons

4.85/1000 gallons City of Houston GRP fee

METER SIZE MINIMUM BILL

5/8 or 3/4

\$ 15.00

0 GALLONS INCLUDED IN MINIMUM BILL

1

\$ 37.50

1 1/2

\$ 75.00

2

\$ 120.00

3

\$ 225.00

4

\$ 375.00

6

750.00

8

1200.00

MISCELLANEOUS FEES:

RESIDENTIAL TAP FEE

\$ 875.00

RECONNECTION FEES

DISCONNECTED FOR NON PAYMENT (TCEQ RULES)

\$ 25.00

OTHER THAN NON PAYMENT CUSTOMER REQUEST

\$ 50.00

TRANSFER

\$ 25.00

RETURNED CHECK FEE

\$ 30.00

CUSTOMER DEPOSIT (TCEQ RULES)

\$ 50.00

LATE PAYMENT PENALTY (TCEQ RULES)

\$ 5.00

METER TEST FEE (TCEQ RULES)

\$ 25.00

CASE SETTLEMENT RECORD (cont'd)

SEASONAL RECONNECTION: N/A

PASS THROUGH RATE ADJUSTMENT CLAUSE: SEE ATTACHED

REASON FOR CLAUSE: _____

COMPUTATION FOR ADJUSTMENT:
MINIMUM BILL = _____
GALLONAGE CHARGE = _____

SURCHARGE:
AMOUNT - \$ 0 PER CONNECTION PER MONTH FOR _____ MONTHS

- TERMS:
- SURCHARGE CONSIDERED CUSTOMER CONTRIBUTIONS IN AID OF CONSTRUCTION.
 - FUNDS DEDICATED TO SPECIFIC IMPROVEMENTS LISTED BELOW.
 - FUNDS PLACED IN SPECIAL SURCHARGE ACCOUNT.
 - UTILITY MUST ISSUE A MONTHLY STATEMENT OF ACCOUNT.
 - COMMISSION APPROVAL (IN WRITING) REQUIRED FOR DISBURSEMENT.

QUALITY OF SERVICE:
REQUIRED IMPROVEMENT N/A DATE DUE _____

VIOLATION TO BE CORRECTED: N/A
(CCN PROBLEMS, TCEQ RULES OR ORDERS)

CASE SETTLEMENT RECORD (cont'd)

REFUNDS:

YES

NO

___ LUMP SUM -- DUE: _____ AMOUNT: _____
___ BILLS CREDITED -- \$ _____ PER CONNECTION EACH MONTH FOR 21 MONTHS
(ATTACH COMPUTATIONS IF NECESSARY)

REFUND IS FOR THE DIFFERENCE BETWEEN
PROPOSED RATES AND SETTLED RATES.

PARTIES:

TCEQ Exec. Director: Sup. D. M. Salas by Witness

Public Interest Council: Barnd Holman (WITNESS ONLY)

Utility: MP

Protestants: Karl E. Wolff - KARL E. WOLFF REPRESENTING FOUNTAIN VIEW HOME OWNERS ASSOCIATION

Michael B. White - MICHAEL B. WHITE REPRESENTATIVE OF EQUALITY COMMUNITY HOUSING CORP. / HARPERSTOCK

(Additional pages attached)

ATTACHMENTS:

- ___ PREVIOUSLY APPROVED TARIFF.
- ___ RELATED SCHEDULES OR COMPUTATIONS.
- ___ BLANK TARIFF OR RATE SCHEDULE PAGE.
- ___ QUALITY OF SERVICE COMPLIANCE SCHEDULE.

CUSTOMER DEPOSIT RESIDENTIAL (Maximum \$50) \$50.00

COMMERCIAL AND NON-RESIDENTIAL DEPOSIT 1/6TH EST. ANNUAL BILL

METER TEST FEE (actual cost of testing the meter up to) \$25.00
THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS A SECOND METER TEST WITHIN A TWO-YEAR PERIOD AND THE TEST INDICATES THAT THE METER IS RECORDING ACCURATELY.

TEMPORARY WATER RATE:

Unless otherwise superseded by TCEQ order or rule, if the Utility is ordered by a court or governmental body of competent jurisdiction to reduce its pumpage, production or water sales, the Utility shall be authorized to increase its approved gallonage charge according to the formula:

TGC = cgc + (pr)(cgc)(r) / (1.0-r)

Where:

TGC = temporary gallonage charge

cgc = current gallonage charge

r = water use reduction expressed as a decimal fraction (the pumping restriction)

pr = percentage of revenues to be recovered expressed as a decimal fraction, for this tariff pr shall equal 0.5.

To implement the Temporary Water Rate, the utility must comply with all notice and other requirements of 30 T.A.C. 291.21(l).

GROUNDWATER REDUCTION PLAN FEE

The Houston Groundwater Reduction Plan Fee is calculated as follows:

(GRP Fee per 1000 gallons) x (Total Usage in month in 1000 gallon units)

For period before treated surface water is actually used, the GRP Fee, based on Monthly Pumpage at the Wells, will be passed through as follows:

GRP Fee Per 1000 gallons usage by customers = (Q x R x P) / GS

Q = Quantity of groundwater pumped in billing period in 1000 gallons

R = Groundwater Reduction Plan Fee per 1000 gallons

P = Percentage of total required by contract

GS = Total gallons sold during billing period in 1000 gallons

RATES LISTED ARE EFFECTIVE ONLY IF THIS PAGE HAS TCEQ APPROVAL STAMP