



Control Number: 42866



Item Number: 123

Addendum StartPage: 0

SOAH DOCKET NO. 473-14-5144.WS
PUC DOCKET NO. 42866

2015 MAR 25 AM 9:36

PETITION OF TRAVIS COUNTY
MUNICIPAL UTILITY DISTRICT
NO. 12 APPEALING CHANGE OF
WHOLESALE WATER RATES
IMPLEMENTED BY WEST TRAVIS
COUNTY PUBLIC UTILITY AGENCY;
CITY OF BEE CAVE, TEXAS; HAYS
COUNTY, TEXAS; AND WEST
TRAVIS COUNTY MUNICIPAL
UTILITY DISTRICT NO. 5

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BEFORE THE STATE OFFICE
FILING CLERK

OF

ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 13
GRANTING PART AND DENYING PART OF MOTION
FOR PARTIAL SUMMARY DISPOSITION

On March 6, 2015, the West Travis County Public Utility Agency (WTCPUA) filed a motion for partial summary disposition. It seeks a finding that the rates that Travis County Municipal Utility District No. 12 (District 12) protests do not adversely affect the public-interest criteria set out in 16 Texas Administrative Code § 24.133(a)(1), (2), (3)(B)-(H), and (4). The Staff of the Public Utility Commission of Texas (PUC) supports the motion.

District 12 opposes the motion. It contends that it has pleaded and provided discovery responses and prefiled evidence indicating that the disputed rates adversely affect the public-interest criterion set out in 16 Texas Administrative Code § 24.133(a)(3)(C), concerning changes in methodologies for computation of revenue requirement or rates. Despite opposing the entire motion, District 12 concedes that it has not pleaded or presented evidence concerning the other public-interest criteria as to which WTCPUA seeks partial summary judgment.

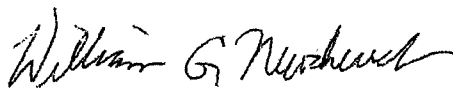
The motion is denied in part. Reading § 24.133(a)(3)(C) in context, the Administrative Law Judge (ALJ) agrees with District 12 that changes in computation methodologies that could adversely affect the public interest are not legally limited to changes between the cash and utility bases for calculating cost of service, and consequently revenue requirement and rates. He also agrees that District 12's pleadings, discovery responses, and prefiled evidence show that there

123
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are genuine issues of material fact concerning whether WTCPUA has changed other computational methodologies that the might ultimately lead the PUC to conclude that the protested rates adversely affect the public interest. Accordingly, as to the § 24.133(a)(3)(C) criteria, WTCPUA's motion is denied.

However, there is no dispute concerning the other public-interest criteria as to which WTCPUA seeks summary disposition. Accordingly, WTCPUA's motion is granted as to the § 24.133(a)(1), (2), (3)(B) and (D)-(H), and (4) criteria; and the ALJ concludes that the protested rates do not adversely affect the public interest when judged by them.

SIGNED March 24, 2015.



**WILLIAM G. NEWCHURCH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**