



Control Number: 43078



Item Number: 37

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P.U.C. DOCKET NO. 43078
SOAH DOCKET NO. 473-15-3742.WS

2015 JUL -7 PM 3:52

APPLICATION OF FREMONT WATER §
COMPANY FOR A WATER §
RATE/TARIFF CHANGE IN KERR §
COUNTY (37993-R) §

PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

**ORDER OF REFERRAL AND ORDER
SETTING PREHEARING CONFERENCE AND
REQUIRING NOTICE**

I. Jurisdiction and Hearing

Effective September 1, 2014, the Public Utility Commission of Texas (PUC or Commission) began the economic regulation of water and sewer utilities. This case, formerly pending at the Texas Commission on Environmental Quality, transferred to the Commission on September 1, 2014. The Commission now has authority to set the rates and approve the tariffs of water and sewer utilities¹ within its jurisdiction.²

Under Commission rules, if the Commission receives a complaint from the lesser of 1,000 or 10% of the ratepayers of the utility the Commission shall set the matter for hearing.³ The Commission has received protests from over 10% of the ratepayers of the utility over whose rates the Commission has original jurisdiction. In addition, Commission Staff has itself requested a hearing on this matter.

II. Referral to State Office of Administrative Hearings

The Commission refers this docket to the State Office of Administrative Hearings (SOAH) and requests the assignment of an administrative law judge (ALJ) to conduct a hearing and issue a proposal for decision, if such is necessary, in the event one or more issues are contested by the parties.

In order to develop a list of the issues to be addressed in this docket, as well as any necessary statement of Commission policy, precedent, or position on any threshold legal or

¹ Texas Water Code §§ 13.041, 13.181-.192 (West 2008 & Supp. 2014).

² *Id.* § 13.042 (West 2008 & Supp. 2014).

³ 16 Tex. Admin. Code § 24.28(1).

policy issues relevant to this proceeding, Fremont Water Company, shall, and the Commission Staff and any other interested party may, file with the Commission a list of issues to be addressed in the docket by **May 21, 2015**. This pleading may also identify any issues that should not be addressed in the docket and identify any threshold legal or policy issues that should be briefed for purposes of a preliminary order. Specific explanations should support proposed issues not to be addressed and the significance of any threshold issues. Parties shall not file responses to any pleading submitted in response to this order, unless specifically requested.

All subsequent pleadings in this docket must contain both the SOAH and PUC docket numbers to allow for efficient processing. Parties shall make filings in accordance with 16 Tex. Admin. Code § 22.71(c), regarding the number of copies to be filed or 16 Tex. Admin. Code § 22.71(d), regarding the number of confidential items to be provided.

The Commission will issue and provide to SOAH a preliminary order that includes the required list of issues and areas that must be addressed in this proceeding⁴ and any necessary statement of Commission policy, precedent, or position on threshold issues, or combination thereof, relevant to this proceeding.⁵ The Commission will consider and possibly adopt a preliminary order in this docket in the open meeting currently scheduled to convene on **June 18, 2015**.

III. Prehearing Conference

The parties are advised that SOAH will conduct a prehearing conference on this application on June 15, 2015 at the SOAH Offices:

**June 15, 2015 at 10:00 a.m.
William P. Clements Building
300 W. 15th Street, 4th Floor
Austin, Texas 78701-1649**

⁴ Tex. Gov't Code § 2003.049(e) (West 2008 & Supp. 2014).

⁵ *Id.* § 2001.058(c) (West 2008 & Supp. 2014).

Please be advised that unless one or more of the parties contact Kennedy Reporting at (512) 474-2233 and indicate that they wish to purchase a transcript, the proceeding may not be transcribed by a court reporter.

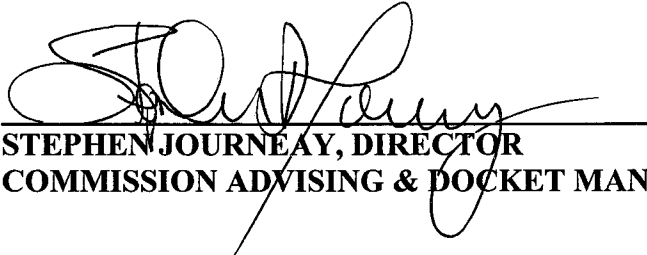
IV. Notice of Prehearing Conference

Fremont Water Company shall provide notice of the prehearing conference to its ratepayers through a separate mailing. The customer notice shall follow the format of the notice attached to this Order.

Fremont Water Company shall provide notice of the prehearing conference no later than **May 25, 2015**. Fremont Water Company shall file an affidavit of proof of notice with the Commission on or before **June 3, 2015**.

SIGNED AT AUSTIN, TEXAS the 7th day of May 2015.

PUBLIC UTILITY COMMISSION OF TEXAS



STEPHEN JOURNEAY, DIRECTOR
COMMISSION ADVISING & DOCKET MANAGEMENT

Donna L. Nelson
Chairman

Kenneth W. Anderson, Jr.
Commissioner

Brandy Marty Marquez
Commissioner

Brian H. Lloyd
Executive Director



Greg Abbott
Governor

Public Utility Commission of Texas

NOTICE OF PREHEARING CONFERENCE

Fremont Water Company
P.U.C. DOCKET NO. 43078
SOAH DOCKET NO. 473-15-3742.WS

Application

Fremont Water Company, P.O. Box 291937, Kerrville, TX 78029, has applied to the Public Utility Commission of Texas (PUC) to change its water rate/tariff effective January 31, 2015, for its service area located in Kerr County, Texas (Certificate of Convenience and Necessity No. 12821).

Prehearing Conference

The State Office of Administrative Hearings (SOAH) will conduct a prehearing conference on this application on:

June 15, 2015 at 10:00 am
William P. Clements Building
300 W. 15th Street, 4th Floor
Austin, Texas 78701-1649

The purpose of a prehearing conference is to name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary phase of the proceeding will be similar to a civil trial in state district court. The prehearing conference will be conducted in accordance with Chapter 2001 of the Texas Government Code; Chapter 13 of the Texas Water Code; the PUC's Substantive Rules, including Title 16 of the Texas Administrative Code (TAC) Chapter 24; and the PUC's Procedural Rules, including 16 TAC Chapter 22. More information regarding the PUC's rules and procedures can be found at <http://www.puc.texas.gov>.

Persons with disabilities who plan to attend this prehearing conference and who need special accommodations at the prehearing conference should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the prehearing conference. For more information on SOAH, you may visit <http://www.soah.state.tx.us> or email: questions@soah.state.tx.us.

Intervention Information

Persons who wish to become intervenor parties to this proceeding may do so by either:

- Attending the prehearing conference and showing that he or she would be affected by the application in a way not common to members of the general public; or

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- Filing a request to intervene with the PUC. Persons affected by the rate increase who wish to intervene but not attend the scheduled prehearing conference must submit 10 copies of a request to intervene by mail to the Public Utility Commission of Texas, Central Records, P.O. Box 13326, Austin, Texas 78711-3326. A request to intervene must include the name, address, and phone number of the intervenor, written legibly or typed. Protests that were previously submitted are insufficient to establish intervenor party status in this proceeding.

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