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SOAH DOCKET 473-15-1149.WS
DOCKET NO. 43674

2015 JUL -1 PM 2:56

PETITION OF THE CITY OF
DALLAS FOR REVIEW OF A
DECISION BY THE SABINE RIVER
AUTHORITY TO SET WATER
RATES (LAKE FORK RESEVOIR)

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STATE OFFICE
PUBLIC UTILITY COMMISSION
FILING CLERK

OF

ADMINISTRATIVE HEARINGS

**COMMISSION STAFF'S REQUEST FOR ADDITIONAL TIME TO REVIEW
ESCROW AGREEMENT**

TO THE HONORABLE WILLIAM G. NEWCHURCH:

Comes Now the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Request for Additional Time to Review Escrow Agreement and would show the following:

I. BACKGROUND

On October 30, 2014, The City of Dallas (Dallas) filed with the Commission the Original Petition for Review and Request for Interim Rates seeking review from the Commission of a water rate for Lake Fork set by the Sabine River Authority (SRA). The petition was filed pursuant to Tex. Water Code §§ 12.013 and 13.043(f) (TWC) and Tex. Admin. Code § 24.131(a) (TAC). On December 5, 2014, Dallas filed the City Of Dallas's Motion for Expedited Commission Establishment of Interim Rates pursuant to 16 TAC § 24.29(d) and (e).

The Commission subsequently referred the matter to State Office of Administrative Hearings (SOAH). Before setting an interim rate, SOAH abated the case so the appropriate court could determine whether the rate being contested was charged pursuant to a contract. The Commission later confirmed SOAH's authority to set interim rates before abating the case, and referred the issue of whether to set interim rates back to SOAH. On April 2, 2015, SOAH Administrative Law Judge (ALJ) Newchurch heard oral arguments from the parties on whether interim rates should be established. In SOAH Order No. 8, the ALJ set an interim rate at \$0.5613/1,000 gallons and ordered SRA to deposit all collections under that rate into an escrow account.

On June 26, 2015, SRA filed a Request for Approval of Escrow Agreement asking the SOAH ALJ to approve the escrow agreement reached between Dallas and SRA. 16 TAC § 22.78 allows parties five working days to file responsive pleadings. The fifth working day in this instance is July 3, 2015.

II. REQUEST FOR ADDITIONAL TIME

Aside from preliminary discussions just after the issuance of Order No. 8, Staff was not involved in the development of the escrow agreement and was not provided a preview of the agreement before it was filed on June 26, 2015. Given the uncommon facts of this case and the fact that Staff is in the process of developing practices on escrow agreements in order to process them in a consistent manner, Staff requests until August 4, 2015 to review the agreement between Dallas and SRA and file a recommendation with SOAH.

Staff spoke with Dallas, and Dallas does not object to this pleading. SRA also does not object to Staff taking time to review the escrow agreement, but expressed a desire that Staff do so in an expedient manner.

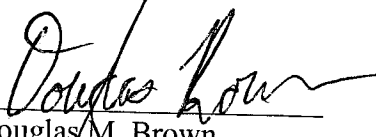
III. CONCLUSION

Staff respectfully requests the ALJ enter an order granting the above request.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division

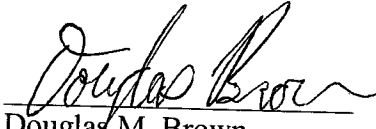

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 1, 2015
in accordance with 16 TAC § 22.74.


Douglas M. Brown