



Control Number: 43720



Item Number: 5

Addendum StartPage: 0

DOCKET NO. 43720

**RATEPAYERS' APPEAL OF THE
DECISION OF THE TOWN OF
WOODLOCH TO CHANGE RATES
(37967-A AND 37968-A)**

§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 2 AND REQUEST FOR
REFERRAL TO SOAH**

COMES NOW the Staff (Staff), of the Public Utility Commission of Texas (Commission) representing the public interest and files this Response to Order No. 2 and Request for Referral to the State Office of Administrative Hearings (SOAH) and would show the following:

I. BACKGROUND

On July 3, 2014, Cathy Lewkowski, David Bonham, and Miriam Gomez, designated ratepayer representatives, filed a petition to appeal the decision of Town of Woodloch City Council (Woodloch) to add a \$35 surcharge only to the outside ratepayers' water bill in order to recover the rate case expenses incurred in Docket No. 42862. The Appeal was filed pursuant to TEX. WATER CODE 13.043(b)(3) and P.U.C. Subst. R. 24.41(c)(3). In a letter addressed to party representative Cathy Lewkowski dated July 29, 2014, the TCEQ accepted the ratepayers' appeal for filing, and stated that the appeal met the requirements to be referred to SOAH. The matter has not yet been referred to SOAH. On September 1, 2014, the Commission began the economic regulation of water and sewer utilities and this case was transferred to the Commission. The Commission received the appeal on September 24, 2014.

In Order No. 2, the Administrative Law Judge (ALJ) required that Staff file a Status Update and a recommendation for the need for a hearing by December 17, 2014. Therefore, this pleading is timely filed.

III. REQUEST FOR REFERRAL TO SOAH

Staff requests referral of this case to SOAH for further review. Staff files this request pursuant to P.U.C. SUBST. R. 24.41(e). Ratepayers filed their appeal on June 3, 2014, within 90 days of the June 10, 2014 effective date of the rate change, and the commission has received protests from over 10% of the ratepayers whose rates have been changed and who are eligible to appeal in accordance with TEX. WATER CODE 13.043(c). Thirty six out of 250 ratepayers signed the appeal.

IV. CONCLUSION

Staff requests that this matter be referred to SOAH for hearing.

Dated: December 17, 2014

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director – Legal Division

Stephen Mack
Managing Attorney – Legal Division

Doug Brown *up/permission*
Douglas M. Brown
Attorney, Legal Division
State Bar No. 24048366
(512) 936-7203
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

Stephen Mack

DOCKET NO. 43720
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 17, 2014 in accordance with P.U.C. Procedural Rule 22.74.

Doug Brown *up/permission*
Douglas M. Brown
Stephen Mack