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PUBLIC UTILITY COMMISSION
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PETITION OF THE
RATEPAYERS OF THE
RIVERPLACE WATER AND
WASTEWATER SYSTEMS
APPEALING THE RETAIL
WATER AND WASTEWATER RATES
OF THE CITY OF AUSTIN

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PUBLIC UTILITY COMMISSION

OF TEXAS

PETITIONERS' LIST OF ISSUES

COME NOW the Ratepayers of the Riverplace Water and Wastewater Systems ("Petitioners") and file this List of Issues and would show the following;

I. BACKGROUND

On December 22, 2014, the Petitioners filed a Petition with the Commission pursuant to Sections 13.043(b)(3), 13.043(i), and 13.043(h) of the Texas Water Code and Chapter 24, Subchapter C of Title 16, of the Texas Administrative Code appealing the increase in rates that the City of Austin ("City") imposed on Petitioners alone on October 1, 2014 and again on November 1, 2014. Petitioners also requested that the Commission establish interim rates at the level that existed before the October 1, 2014 rate increase.

On January 7, 2015, the Director of Docket Management granted the Commission Staff's request for an extension of time to file its recommendation on the sufficiency of the proposed notice and application. Commission Staff reviewed the Petition and found that it met the requirements of Section 13.043 of the Water Code and P.U.C. SUBST. R. 24.41(b) and 24.42(b). Therefore, Commission Staff recommended referral to the State Office of Administrative Hearings ("SOAH") for an evidentiary hearing. On January 27, 2015, the Director of Commission Advising & Docket Management issued an Order of Referral, which referred the matter to SOAH for an evidentiary hearing and directed the parties to file a list of issues by February 11, 2015. In response to the Order of Referral, Petitioners filed this pleading timely.

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On February 2, 2015, Administrative Law Judge ("ALJ") Lilo D. Pomerleau issued Order No. 1, which set out a description of the filing and a notice of prehearing conference. In response to an unopposed motion for continuance, in Order No. 2, Judge Pomerleau granted the continuance and rescheduled the prehearing conference on March 23, 2015, at 10:00 a.m.

II. LIST OF ISSUES

Petitioners have identified the following issues to be addressed at hearing:

1. Are the rates that the City charges Petitioners just and reasonable?
 - a. Are the water rates based upon the City's actual cost of service incurred due to its operation of the Riverplace water system;
 - i. Are the operations and maintenance costs included in the Riverplace water rates reasonable and necessary;
 - ii. Are the operations and maintenance costs included in the Riverplace water rates based upon the City's cost of operating the Riverplace water system;
 - iii. Are the debt service costs included in the Riverplace water rates appropriate in consideration that the Riverplace MUD, not the City of Austin, is paying the debt service for the Riverplace water system through the collection of ad valorem taxes from Petitioners;
 - b. Are the wastewater rates based upon the City's actual cost of service incurred by operating the Riverplace wastewater system;
 - i. Are the operations and maintenance costs included in the Riverplace wastewater rates reasonable and necessary;
 - ii. Are the operations and maintenance costs included in the Riverplace wastewater rates based upon the City's costs of operating the Riverplace wastewater system.

- iii. Are the debt service costs included in the Riverplace wastewater rates appropriate in consideration that the Riverplace MUD, not the City of Austin, is paying the debt service for the Riverplace wastewater system through the collection of ad valorem taxes from Petitioners.
2. Are the rates that the City charges customers of the Riverplace water and wastewater systems preferential, prejudicial, or discriminatory?
3. Are the rates that the City charges Riverplace customers based upon known and measurable changes to costs that the City incurred during a Test Year for the Riverplace water and wastewater systems?

Petitioners do not intend for this list to be exhaustive.

III. LIST OF ISSUES NOT TO BE ADDRESSED

The Order of Referral asked parties to identify issues not to be addressed. At this time, Petitioners are unaware of any other issues that the ALJ should not address.

Respectfully submitted,

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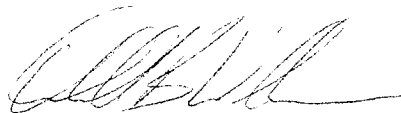
By: _____

Randall B. Wilburn

ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

I hereby certify that I have or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail Return Receipt Requested on all parties on the 11th of February 2015.

A handwritten signature in cursive script, appearing to read "R. Wilburn", written in black ink.

Randall B. Wilburn