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**P.U.C. DOCKET NO. 44236  
SOAH DOCKET NO. 473-15-4944.WS**

2015 JUL 27 PM 2:44

**APPLICATION OF CUSTOM WATER  
COMPANY, LLC FOR A RATE/TARIFF  
CHANGE** §  
§  
§  
§

**PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS**

**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. The Commission now has authority to set the rates and approve the tariffs of water and sewer utilities<sup>1</sup> within its jurisdiction.<sup>2</sup>

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.<sup>3</sup> Commission Staff has 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 policy issues relevant to this proceeding, Custom Water Company, LLC 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 **August 17, 2015**. This pleading may also identify any issues that

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

<sup>2</sup> *Id.* § 13.042 (West 2008 & Supp. 2014).

<sup>3</sup> 16 Tex. Admin. Code § 24.28(1).

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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 Tex. Admin. Code § 22.71(c) (TAC), regarding the number of copies to be filed or 16 TAC § 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 proceeding<sup>4</sup> and any necessary statement of Commission policy, precedent, or position on threshold issues, or combination thereof, relevant to this proceeding.<sup>5</sup> The Commission will consider and possibly adopt a preliminary order in this docket in the open meeting currently scheduled to convene on **September 11, 2015**.

### **III. Prehearing Conference**

The parties are advised that SOAH will conduct a prehearing conference on this application on **August 24, 2015** at the SOAH Offices:

**Monday, August 24, 2015 at 10:00 a.m.**  
**William P. Clements Building**  
**300 W. 15<sup>th</sup> Street, Suite 408**  
**Austin, Texas 78701-1649**

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

<sup>5</sup> *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**

Custom Water Company, LLC shall provide at least 10 days' notice of the prehearing conference to its ratepayers via a bill insert in the monthly bill. The customer-notice billing insert shall follow the format of the Commission-approved sample notice attached to this Order.

Custom Water Company, LLC shall provide notice of the prehearing conference no later than **August 14, 2015**. Custom Water Company, LLC shall file an affidavit of proof of notice with the Commission on or before **August 20, 2015**.

SIGNED AT AUSTIN, TEXAS the 27<sup>th</sup> day of July 2015.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**STEPHEN JOURNEAY, DIRECTOR**  
**COMMISSION ADVISING & DOCKET MANAGEMENT**