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October 30, 2015

State Office of Administrative Hearings  
300 W. 15<sup>th</sup> Street  
Austin, Texas 78701

*Via Facsimile*  
**512.475.4994**

Re: SOAH Docket No. 473-15-4944.WS and PUC Docket No. 44236; Application of Custom Water Company, LLC for a Water Rate/Tariff Change; Before the State Office of Administrative Hearings

Dear Sir or Madam:

The undersigned represents Custom Water Company, LLC ("Custom Water" or "Applicant") concerning the referenced matter. Please copy the undersigned on any future filings in this matter.

The undersigned has reviewed a number of the filings in this Application since Friday, October 23, 2015, and has determined that Custom Water should withdraw its Application pursuant to 16 TEX. ADMIN. CODE §22.181(b). The undersigned has conferred with Mr. Eddie Fenoglio, the principal/owner of Custom Water, and it is apparent that this very small water utility (only 248 customers) did not have sufficient resources to hire competent water utility rate consultants. It will be necessary for Custom Water to hire competent and experienced water utility rate consultants in order to pursue an application for a rate change; with the benefit of hindsight, Mr. Eddie Fenoglio, on behalf of Applicant, agrees with this assessment.

Accordingly, Custom Water submits that because it is a very small water utility, did not understand the rate filing requirements and did not have sufficient resources to hire competent and experienced water utility rate consultants, good cause exists to allow Custom Water to withdraw its pending Application.

If Your Honor grants Applicant's request, it will be necessary to address the higher rates that were charged by Applicant from March 20, 2015 to September 22, 2015. The higher rates (a monthly base rate of \$54.43 for a residential 5/8" or 3/4" meter size, including 1,000 gallons and \$7.00 per 1,000 gallons used over the first 1,000 gallons) was canceled as a result of SOAH Order No. 2. Thus, if Custom Water's request is granted, Applicant will refund or credit to its customers the

amount charged over the rates established in Docket No. 44236.

Accordingly, Custom Water requests that the Honorable Administrative Law Judge grant this request to withdraw its Application without prejudice to the filing of same pursuant to 16 TEX. ADMIN. CODE §22.181 (subject to the limitations of the Texas Water Code 13.187(p)), address the issue of refunds or credits for overcharges as stated above, including a compliance filing with the Commission when completed, and for such other and further relief to which Custom Water Company, LLC is justly entitled.

Respectfully submitted,



Stephen Fenoglio

SF/ddh

cc: Custom Water Company, LLC

f:\sf\Custom Water - 2015 Rate Change\Ltr to SOAH withdrawing app-10.28.15

#### **Certificate of Conference**

I do hereby certify that I conferred with counsel for the Public Utility Commission Staff on October 30, 2015 and Staff stated it does not oppose this request.

#### **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing has been served on this the 30 day of October, 2015, in accordance with 16 TEX. ADMIN. CODE §22.74, to the following by the manner indicated:

Public Utility Commission  
Legal Division  
1701 N. Congress Avenue, Suite 8-110  
Austin, Texas 78711

*Via Facsimile*  
*512.936.7268*

Bill Crowe  
P. O. Box 277

*Via 1<sup>st</sup> Class Mail*

Nocona, Texas 76255

Jerry D. Walker  
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Wichita Falls, Texas 76308

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Mary V. Moses  
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Denton, Texas 76207-1640

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STEPHEN PENOGLIO