



Control Number: 44844



Item Number: 9

Addendum StartPage: 0

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APPLICATION OF SUNSET WATER
LLC FOR A RATE/TARIFF CHANGE

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§

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. This case, formerly pending at the Texas Commission on Environmental Quality, transferred to the Commission on September 1, 2014. The Commission now has authority to set the rates and approve the tariffs of water and sewer utilities¹ within its jurisdiction.²

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.³ The Commission has received protests from over 10% of the ratepayers of the utility over whose rates the Commission has original jurisdiction. In addition, Commission Staff has itself 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, Sunset Water LLC shall, and the Commission Staff and

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

² *Id.* § 13.042 (West 2008 & Supp. 2014).

³ 16 Tex. Admin. Code § 24.28(1).

9

any other interested party may, file with the Commission a list of issues to be addressed in the docket by **September 23, 2015**. This pleading may also identify any issues that 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 proceeding⁴ and any necessary statement of Commission policy, precedent, or position on threshold issues, or combination thereof, relevant to this proceeding.⁵ The Commission will consider and possibly adopt a preliminary order in this docket in the open meeting currently scheduled to convene on **October 8, 2015**.

III. Prehearing Conference

The parties are advised that SOAH will conduct a prehearing conference on this application on October 13, 2015 at the SOAH Offices:

**October 13, 2015 at 10:00 a.m.
William P. Clements Building
300 W. 15th Street, Suite 408
Austin, Texas 78701-1649**

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

⁵ *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.

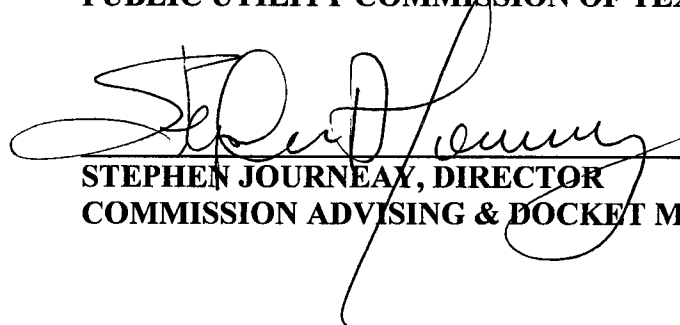
IV. Notice of Prehearing Conference

Sunset Water LLC shall provide notice of the prehearing conference to its ratepayers at least 20 days prior to the prehearing conference. The customer notice shall follow the format of the sample notice attached to this Order.

Sunset Water LLC shall provide notice of the prehearing conference no later than **September 25, 2015**. Sunset Water, LLC shall file an affidavit of proof of notice with the Commission on or before **September 30, 2015**.

SIGNED AT AUSTIN, TEXAS the 10th day of September 2015.

PUBLIC UTILITY COMMISSION OF TEXAS



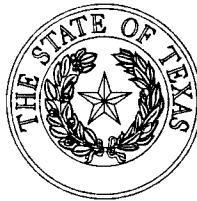
STEPHEN JOURNEAY, DIRECTOR
COMMISSION ADVISING & DOCKET MANAGEMENT

Donna L. Nelson
Chairman

Kenneth W. Anderson, Jr.
Commissioner

Brandy Marty Marquez
Commissioner

Brian H. Lloyd
Executive Director



Greg Abbott
Governor

Public Utility Commission of Texas

NOTICE OF PREHEARING CONFERENCE

SUNSET WATER LLC

P.U.C. DOCKET NO. 44844

SOAH DOCKET NO. 473-16-0122.WS

Application

Sunset Water, LLC, 7203 I-40 West Suite B, Amarillo, TX 79106, has applied to the Public Utility Commission of Texas (PUC) to change its water rate/tariff effective August 15, 2015, for its service area located in Moore County, Texas (Certificate of Convenience and Necessity No. 13224).

Prehearing Conference

The State Office of Administrative Hearings (SOAH) will conduct a prehearing conference on this application on:

**October 13, 2015 at 10:00 am
William P. Clements Building
300 W. 15th Street, Suite # 408
Austin, Texas 78701-1649**

The purpose of a prehearing conference is to name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary phase of the proceeding will be similar to a civil trial in state district court. The prehearing conference will be conducted in accordance with Chapter 2001 of the Texas Government Code; Chapter 13 of the Texas Water Code; the PUC's Substantive Rules, including Title 16 of the Texas Administrative Code (TAC) Chapter 24; and the PUC's Procedural Rules, including 16 TAC Chapter 22. More information regarding the PUC's rules and procedures can be found at <http://www.puc.texas.gov>.

Persons with disabilities who plan to attend this prehearing conference and who need special accommodations at the prehearing conference should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the prehearing conference. For more information on SOAH, you may visit <http://www.soah.state.tx.us> or email: questions@soah.state.tx.us.

Intervention Information

Persons who wish to become intervenor parties to this proceeding may do so by either:

- Attending the prehearing conference and showing that he or she would be affected by the application in a way not common to members of the general public; or

NOTICE OF PREHEARING CONFERENCE

P.U.C. Docket No. 44844
SOAH Docket No. 473-16-0122.WS

Page 2 of 2

- Filing a request to intervene with the PUC. Persons affected by the rate increase who wish to intervene but not attend the scheduled prehearing conference must submit 10 copies of a request to intervene by mail to the Public Utility Commission of Texas, Central Records, P.O. Box 13326, Austin, Texas 78711-3326. A request to intervene must include the name, address, and phone number of the intervenor, written legibly or typed.
- Protests or requests for a hearing that were previously submitted are insufficient to establish intervenor party status in this proceeding.

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