



Control Number: 44898



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**SOAH DOCKET NO. 473-16-0564.WS
PUC DOCKET NO. 44898**

**APPLICATION OF LINDSAY PURE
WATER COMPANY, FOR A
RATE/TARIFF CHANGE**

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**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

RECEIVED

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PUBLIC UTILITY COMMISSION
FILING CLERK

**SOAH ORDER NO. 3
RULING ON ADMINISTRATIVE COMPLETENESS OF APPLICATION,
SUFFICIENCY OF NOTICE, EFFECTIVE DATE, AND PARTY STATUS**

On December 14, 2015, the staff (Staff) of the Public Utility Commission of Texas (Commission) filed its response to State Office of Administrative Hearings (SOAH) Order No. 2. On December 17, 2015, Lindsay Pure Water Company (Applicant) filed its response. No other response to Order No. 2 was filed.

I. ADMINISTRATIVE COMPLETENESS OF THE APPLICATION

In its response, Staff recommends that Applicant's application for a rate/tariff change within the South Ridge of Lindsay subdivision (Application) be found to be administratively complete. Applicant agrees. The Application is deemed to be administratively complete.

II. SUFFICIENCY OF NOTICE AND EFFECTIVE DATE

In its response, Staff recommends that Applicant's notice be deemed to be sufficient. Staff explains that Applicant's September 14, 2015 supplemental filing cured deficiencies that Staff had noted on August 3, 2015. Staff also observes that on September 14, 2015, Applicant issued a notice stating a December 1, 2015 effective date. Staff concludes that the timing of the notice and the December 1, 2015 effective date comply with Texas Water Code § 13.187. Applicant agrees. Applicant's notice is deemed to be sufficient, and the effective date under Texas Water Code § 13.187 is December 1, 2015.


III. PARTY STATUS

In its response to SOAH Order No. 2, Staff observes that Applicant has 38 customers, and that 11 protest letters were timely filed, exceeding the ten percent required by Texas Water

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Code § 13.187. As Staff notes, none of the protest letters was phrased as a request for party status. At the November 19, 2015 prehearing conference, only Applicant and Staff appeared. Order No. 2 established December 17, 2015, as the deadline for protestants to file comments regarding party status. No such comments were filed. As discussed at the prehearing conference and stated in SOAH Order No. 2, the intervention deadline in this case was November 19, 2015. No motions to intervene in this case have been filed. Applicant and Staff are the only named parties to this case.

SIGNED December 30, 2015.



ELIZABETH DREWS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS