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Item Number: 10

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**RATEPAYERS' APPEAL OF THE
DECISION BY TROPHY CLUB
MUNICIPAL UTILITY DISTRICT
NO. 1 TO CHANGE RATES**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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COMMISSION STAFF'S RESPONSE TO ORDER NO. 2

Comes now the staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 2. In support thereof, Staff would show the following:

I. BACKGROUND

On November 18, 2015, the Administrative Law Judge (ALJ) issued Order No. 2, requesting that Staff respond to certain comments filed by the Trophy Club Municipal Utility District (TCMUD) on or before December 11, 2015. Therefore, this pleading is timely filed.

II. STAFF RESPONSE TO TCMUD

a. Sufficiency of TCMUD Ratepayers' Appeal

Staff opposes dismissal of the TCMUD Ratepayers' Appeal for the omission identified by TCMUD in its November 9, 2015 filing. Specifically, TCMUD stated that the petition did not identify the date of the rate action that is being appealed, which is required under 16 TAC § 24.42(a)(1). Although this information was not included in the original petition, the TCMUD Ratepayers did include sufficient information to identify the rate change being appealed.¹ As such, this omission is immaterial as TCMUD has sufficient information to determine the rate action being appealed.

Nevertheless, Staff recommends that the TCMUD Ratepayers be provided an opportunity to cure this deficiency. Staff believes that no party will be harmed by providing this opportunity to cure.

¹ See Petition at 1 (Oct. 9, 2015) (identifying the notice date, effective date, and individual rate changes that are subject to appeal).

b. Trophy Club PID Ratepayers' Appeal

Whether the Trophy Club PID Ratepayers have standing in this proceeding requires further factual development. As such, Staff has propounded discovery on parties who may have relevant information. Once the record has been further developed, Staff can offer a recommendation concerning the standing of the Trophy Club PID Ratepayers. Staff requests that a deadline of January 22, 2016 be set by which time Staff will file a recommendation concerning the standing of the Trophy Club PID Ratepayers.

Staff notes that it makes no recommendation regarding the administrative completeness of the Trophy Club PID Ratepayers' appeal at this time. If this appeal is severed, Staff will make any necessary recommendations at that time.

IV. CONCLUSION

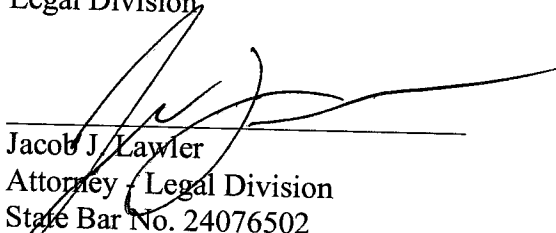
As discussed above, Staff recommends that TCMUD Ratepayers be provided an opportunity to cure the immaterial omission identified by TCMUD in its November 9, 2015 filing. Staff also recommends that it be allowed until January 22, 2016 to further develop the record concerning whether Trophy Club PID Ratepayers have standing in this proceeding.

Date: December 11, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

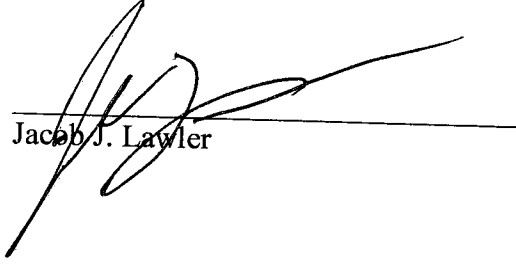
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 11, 2015 in accordance with 16 TAC § 22.74.



Jacob J. Lawler