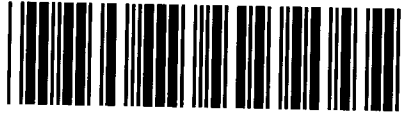


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RATEPAYERS' APPEAL OF THE
DECISION BY THE CITY OF FRITCH
TO CHANGE RATES

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PUBLIC UTILITY COMMISSION
COMMISSION
FILING CLERK
OF TEXAS

**ORDER NO. 3
DENYING THE CITY OF FRITCH'S MOTION TO DISMISS
AND ESTABLISHING DEADLINES**

I. Background

On November 13, 2015, the City of Fritch (the City) filed a response to Order No. 1 and motion to dismiss. The City argues that the letters on file in this proceeding do not meet the criteria to be a valid petition under Tex. Water Code § 13.043 and 16 Tex. Admin. Code §§ 24.41 and 24.42 (TAC), and should not count as a petition for review. The City concludes that because no petition has been filed, the Commission should dismiss this docket. On November 19, 2015, Order No. 2, was issued requesting Public Utility Commission of Texas (Commission) Staff to respond to the City of Fritch's motion to dismiss.

II. Commission Staff Response

On December 10, 2015, Commission Staff responded that the City's motion to dismiss should be denied. Commission Staff stated that although the current petition for appeal may be administratively insufficient, eligible ratepayers have 90 days to perfect an appeal. Furthermore, in Docket No. 43086,¹ the Commissioners made the decision to count protest letters as signatures on a petition for review, even where the requirements of 16 TAC § 24.42(a) have not been met in each letter. In discussion at the Open Meeting in that docket the Commissioners indicated that in future proceedings, the Commission would decide whether to count protest letters as signatures towards the 10% on a case-by-case basis.² Commission Staff argues that the City's motion to dismiss based on administrative incompleteness is premature and should be denied.

¹ *Ratepayers' Appeal of the Decision by the City of Fritch to Change Water Rates (37908-A)*, Docket No. 43086, Order (Oct. 8, 2015).

² Open Meeting Transcript at 13:6-14:13 (Sept. 24, 2015).

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III. Denying Motion to Dismiss

Consistent with Commission Staff's December 10, 2015 recommendation, the City's motion to dismiss is denied. On or before **December 30, 2015**, the City shall enter into the record the number of affected ratepayers for purposes of determining if this appeal is perfected.

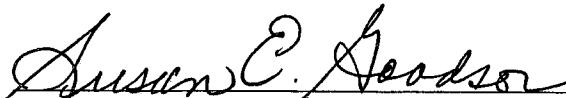
IV. Extending Deadline for Recommendation on Administrative Completeness

The City's rate change at issue in this proceeding was effective October 1, 2015. Affected ratepayers have until December 30, 2015 to sign the petition. In order that it may review all possible letters and petition that may be filed by that deadline, Commission Staff requested that its deadline for a recommendation on administrative completeness be extended to January 13, 2016.

Commission Staff's request is granted. The deadline for Commission Staff to file comments on the sufficiency of the application and a proposed procedural schedule is extended to **January 13, 2016**.

SIGNED AT AUSTIN, TEXAS the 11th day of December 2015.

PUBLIC UTILITY COMMISSION OF TEXAS



SUSAN E. GOODSON

ADMINISTRATIVE LAW JUDGE