



Control Number: 45266



Item Number: 20

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DOCKET NO. 45266

**APPLICATION OF HOUSE HAHL §
COMMERCIAL OWNERS ASSOCIATION §
FOR EXEMPT UTILITY §
REGISTRATION §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

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COMMISSION STAFF'S FINAL RECOMMENDATION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Commission Staff's Final Recommendation. In support thereof, Staff shows the following:

I. BACKGROUND

On October 16, 2015, House Hahl Commercial Owners Association (House Hahl) filed an application for exempt utility registration pursuant to Tex. Water Code § 13.242(c) (TWC) and 16 Tex. Admin. Code § 24.103(d) (TAC).

Order No. 7, issued June 2, 2016, granted Staff's extension and directed Staff to file a final recommendation by June 30, 2016. On June 3, 2016, House Hahl filed an amendment to its application. Therefore, this pleading is timely filed.

II. FINAL RECOMMENDATION

Staff has reviewed House Hahl's application, discovery responses, and supplemental information, and as supported by the attached memorandum of Heidi Graham and Tracy Montes of the Water Utilities Division (Attachment A), Staff recommends that House Hahl's application for exempt water utility registration be approved.

While House Hahl's application requests exempt utility registration for both water and sewer service, TWC § 13.242(c) and 16 TAC § 24.103(d) only provide for exemption of a "utility or water supply corporation" for the provision of "retail water service." Therefore, House Hahl can only receive exemption for the provision of retail water service, not retail sewer service. Staff conferred with a representative for House Hahl on June 29, 2016, and House Hahl understands and agrees that its request for sewer exempt utility registration cannot be granted.

Attached to this pleading is a final map (Attachment B) and a tariff (Attachment C).

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III. CONCLUSION

For the reasons stated above, Staff respectfully requests that House Hahl's application for exempt water utility registration be approved.

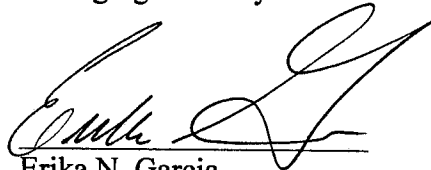
Dated: June 30, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

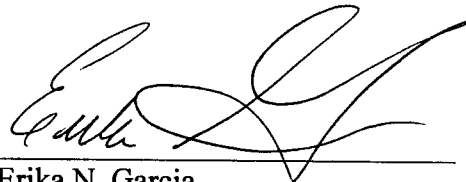
Karen S. Hubbard
Managing Attorney



Erika N. Garcia
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Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

**DOCKET NO. 45266
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record June 30, 2016, in accordance with 16 TAC § 22.74.



Erika N. Garcia

ATTACHMENT A

PUC Interoffice Memorandum

To: Erika Garcia, Attorney
Legal Division

From: Heidi Graham, Manager
Tracy Montes, GIS Specialist
Water Utilities Division

Thru: Tammy Benter, Director
Lisa Fuentes, Manager
Water Utility Regulation Division

Date: June 29, 2016

Subject: **Docket No. 45266**, *Application of House Hahl Commercial Owners Association for Exempt Utility Registration*

On October 16, 2015, House Hahl Commercial Association (Applicant or House Hahl), filed an application for exempt utility registration for water and sewer pursuant to 16 Texas Administrative Code § 24.103(d) (TAC) for a utility or water supply corporation with less than 15 potential connections. The Applicant asserts that there is one (1) active water connection and the potential for 11 future connections. The development encompasses approximately 45 acres.

16 TAC § 24.103(d) states that a utility is exempt from the requirement to possess a Certificate of Convenience and Necessity (CCN) in order to provide retail water service if it has less than 15 potential service connections. Based on the information filed in this docket, the Applicant has the potential to serve less than 15 retail water service connections. The application states that there is one active water connection and a potential for 11 future water connections.

Exempt sewer utility registration is not authorized by the Texas Water Code or Commission Rules. Therefore, Staff recommends approval of only the Applicant's water utility registration.

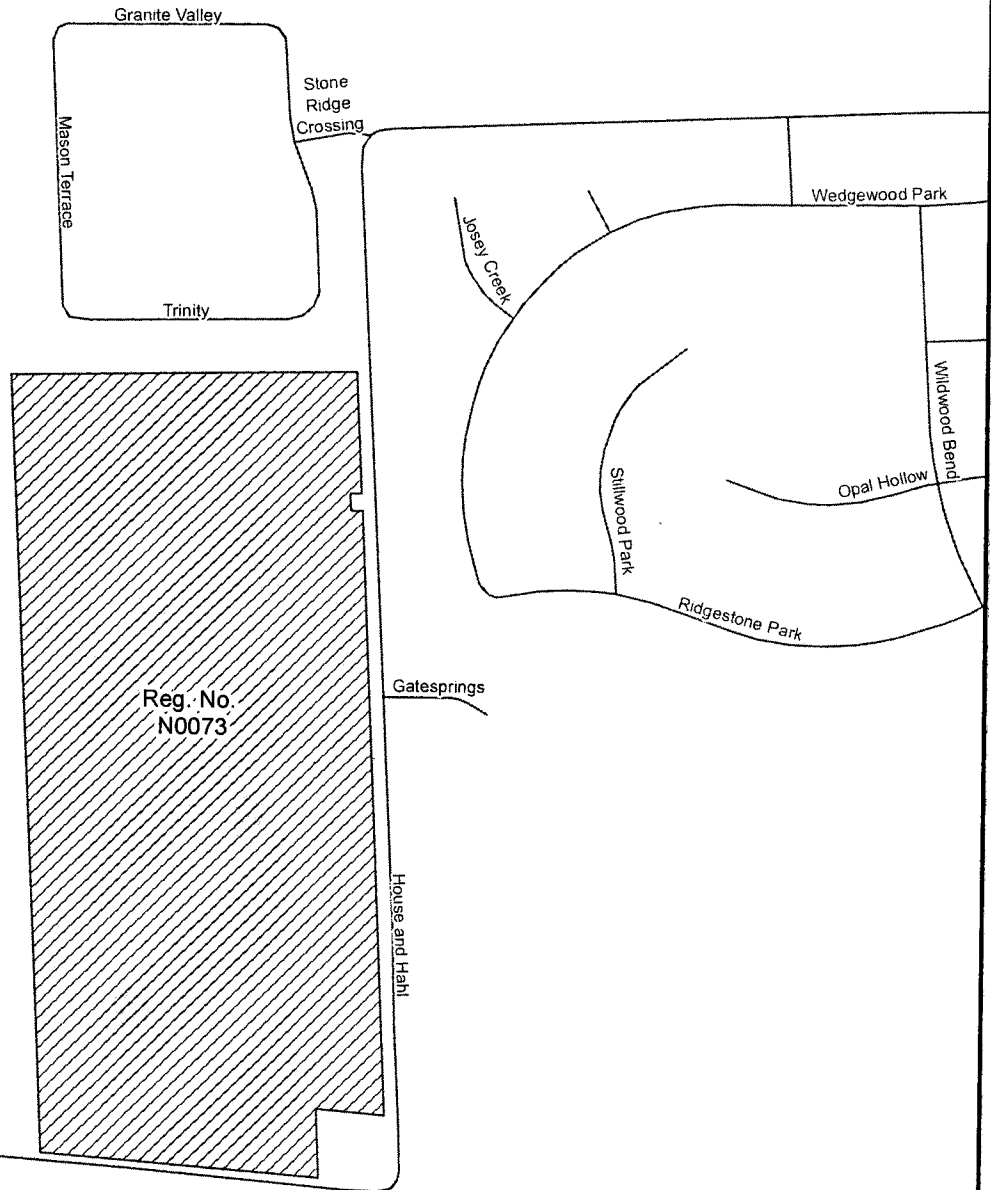
The Applicant meets all of the statutory requirements of Texas Water Code Chapter 13 and the Commission's Chapter 24 rules and regulations. The Applicant has been registered with the Commission as an Exempt Water Utility and assigned Exempt Registration No. N0073.

As a retail public utility, the Applicant is required to collect and remit the Regulatory Assessment Fee (RAF) to the Texas Commission on Environmental Quality (TCEQ) annually. For investor owned utilities, this fee is 1% of the amount the utility will receive for providing retail water utility service.

Based on the above information, Staff recommends the application be approved and that the Applicant be provided the attached map and exempt utility tariff.

ATTACHMENT B

House Hahl Commercial Owners Association
Water Service Area
Exempt Utility Registration No. N0073
PUC Docket No. 45266
Harris County



Exempt Utility Water Service Area



N0073 - House Hahl Commercial Owners Association

0 250 500
Feet



ATTACHMENT C



EXEMPT UTILITY WATER TARIFF FORM

Docket No. 45266

Exempt Registration No. N0073

House Hahl Commercial Owners Association
(Water System Name)

832/693-3600
(Phone Number)

16518 House Hahl Road
(Utility Address)

Cypress, TX 77433
(City, State, Zip Code)

Rate Schedule
Commercial

Monthly Minimum Charge
\$700.00 (Including 0 gallons)

Gallonage Charge
\$5.00 per 1,000 gallons from 0 to 10,000 gallons
\$5.50 per 1,000 gallons from 10,001 to 20,000 gallons
\$6.00 per 1,000 gallons for 20,001+

TAP FEE Actual Cost

OTHER EXTENSION FEES \$0.00

REGULATORY ASSESSMENT 1.0%

A REGULATORY ASSESSMENT, EQUAL TO ONE PERCENT OF THE CHARGE FOR RETAIL WATER SERVICE ONLY, SHALL BE COLLECTED FROM EACH RETAIL CUSTOMER.

RECONNECTION FEE

THE RECONNECT FEE WILL BE CHARGED BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS:

- a) Non-payment of bill (not to exceed \$25 without justification) \$25.00
- b) Customer's request \$25.00
- c) Other Reasons (specify) \$0.00

LATE CHARGE 10%
FOR PAYMENTS NOT RECEIVED BY DUE DATE.

RETURNED CHECK CHARGE \$35.00

CUSTOMER DEPOSIT \$200.00

METER TEST FEE (Not to exceed \$25) \$25.00

The attached Service Rules are part of this tariff.

REQUIRED SERVICE RULES AND REGULATIONS FOR EXEMPT UTILITIES

CUSTOMER NOTICE: THIS UTILITY SERVICE PROVIDER IS EXEMPT FROM MANY OF THE REQUIREMENTS FOR UTILITIES, BUT IT STILL MUST COMPLY WITH THESE SERVICE RULES. THE COMMISSION WILL NOT REVIEW RATE CHANGES UNLESS PROTESTED BY AT LEAST 50% OF THE CUSTOMERS WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE RATE CHANGE.

Rate Changes - Rates can be changed no more than once per year without the approval of the Commission. Customers will be given a notice of rate change which states the effective date of the rate change, the old rates, the new rates, the Commission's address and a statement that written protests can be submitted to the Commission.

Application for and Provision of Water Service

All new applicants will be given a copy of this Exempt Utility Tariff.

Where service has been disconnected for nonpayment of a bill, service will be reconnected within one working day after the customer has met the requirements for reconnection.

The customer will be responsible for furnishing and laying the necessary customer service line from the utility's point of connection on the customer's property to the place of consumption. Customers may be required to install a customer owned cut-off valve on the customer's side of the meter or connection.

Refusal of Service

This exempt utility is not required to have a designated service area and is not obligated to serve every applicant for service but is required to provide service in a nondiscriminatory manner.

Customer Deposits

Refund of deposit - If service is not connected, or after permanent disconnection of service to a customer, the utility will promptly refund, within 30 days, the customer's deposit or the balance, if any, in excess of the unpaid bills for service furnished.

Meter Requirements, Readings, and Testing

One meter or connection may be required for each customer. The exempt utility will, upon the request of a customer, and, if the customer so desires, in his or her presence or in that of his or her authorized representative, make a test of the accuracy of the customer's meter. The test may be made using a container of known volume.

A meter test will cost \$0.00. Following the completion of any requested test, the utility will promptly advise the customer in writing of the results. If the meter is in error by more than 3% the meter should be replaced at the utility's expense. Meters will be read at (preferably monthly) intervals.

Billing

Bills from the utility will be mailed at intervals specified in the service agreement. The due date of bills for utility service will be at least sixteen (16) days from the date of issuance. The postmark on the bill or, if there is no postmark on the bill, the recorded date of mailing by the utility will constitute proof of the date of issuance. Payment for utility service is delinquent if full payment, including late fees, is not received at the designated payment location by 5:00 p.m. on the due date. If the due date falls on a holiday or weekend, the due date for payment purposes will be the next work day after the due date.

Late Fee - A late penalty may be charged (if listed on the tariff) on bills received after the due date. The utility must maintain a record of the date of mailing to charge the late penalty.

Each bill will provide at least the following: The total amount due for water service, the due date of the bill and a telephone number (or numbers) for customers to call if they have questions.

House Hahl Commercial Owners Association

REQUIRED SERVICE RULES AND REGULATIONS FOR EXEMPT UTILITIES (Cont.)

Metered Service

If service is metered the bill must also state the date and reading of the meter at the beginning and end of the period for which the bill is rendered, and the numbers of gallons consumed.

Service Disconnection and Disputed Bills

If a customer or applicant for service files a complaint about all or a portion of the bill, the utility will promptly investigate the matter and advise the complainant of the results. Service may not be disconnected pending completion of the investigation. If the complainant is dissatisfied with the utility's response, the utility must advise the complainant that he/she has recourse through the Public Utility Commission of Texas complaint process. Pending resolution of a complaint, the Commission may require continuation or restoration of service.

The utility will maintain a record of all complaints which shows the name and address of the complainant, the date and nature of the complaint and the adjustment or disposition thereof, for a period of two years after the final settlement of the complaint.

The exempt utility is encouraged, but not required, to offer a deferred payment plan to a customer who cannot pay an outstanding bill in full and is willing to pay the balance in reasonable installments. However, a customer's utility service may be disconnected if a bill has not been paid or a deferred payment agreement entered into within 26 days from the date of issuance of a bill and if proper notice of disconnection has been given.

Notice of disconnection must be a separate mailing or hand delivery.

Utility service may also be disconnected without notice if an imminent hazard to the utility system exists.

The utility is required to reconnect service after a customer who has been disconnected for nonpayment pays a delinquent bill and any other applicable fees in accordance with this tariff and any applicable service agreement. The utility may permanently disconnect service to an existing customer only if authorized to in writing by the Commission after notice has been issued.

Reconnection of Service

Service will be reconnected within 24 hours, unless otherwise stated on the service agreement, after the past due bill, reconnection fee and any other outstanding charges are paid or correction of the conditions which caused service to be disconnected.

Service Interruptions

The utility will make all reasonable efforts to prevent interruptions of service. If interruptions occur, the utility will re-establish service within the shortest possible time.

Quality of Service

The utility will provide properly treated and disinfected water and facilities with sufficient pressure and capacity for reasonable consumer uses unless otherwise stated on the service agreement.

Standard Extension Requirements

All practices and policies related to the extension of service to new applicants or restoration of service must be reasonable and nondiscriminatory.

Specific Utility Rules (May not conflict with Commission required Rules. Attach additional pages if needed.)

WATER SERVICE APPLICATION/AGREEMENT

Date: _____

Exempt Utility Name	<u>House Hahl Commercial Owners Association</u>
Business Address Street	<u>16518 House Hahl Road</u>
City, State, Zip	<u>Cypress, TX 77433</u>
(AC) Telephone	<u>832/693-3600</u>

APPLICATION FOR WATER SERVICE

Name of Applicant/Customer:	_____
Service Location:	_____
Billing Address:	_____
City, State, Zip:	_____

Check Applicable Items:

<input type="checkbox"/> Residential	<input type="checkbox"/> Owner
<input type="checkbox"/> Commercial	<input type="checkbox"/> Tenant

The Exempt Utility agrees to sell and deliver water to the Applicant and the Applicant agrees to purchase and receive water from the Utility in accordance with the rules and regulations required by the Public Utility Commission of Texas which are included in its Exempt Utility Tariff and any other rules or requirements contained in this agreement.

Water will be disinfected. Water will be measured by meters which are furnished, installed, owned and maintained by the Utility. The meter and/or connection is for the sole use of the Applicant/Customer to serve water to one dwelling, business or property. The Applicant/Customer shall not share, resell, or submeter water to any other dwelling, business, property, etc., without the specific written authorization of the Utility and in compliance with applicable laws and regulations.

The Utility has the right to locate a water service meter/connection and the pipe necessary to connect the meter to the utility's water main on the property of the Applicant at a point mutually agreeable to both the Utility and the Applicant. The Applicant/Customer will allow the Utility access at all reasonable times to its property and equipment located upon Applicant/Customer's premises for the limited purposes of reading the water meter, repairing or replacing existing facilities and the inspection of the Applicant/Customer's facilities to check for illegal connections or unsafe plumbing practices or cross-connections, in compliance with the requirements of the Texas Commission on Environmental Quality's "Rules and Regulations for Public Water Systems."

The Applicant will install, at his own expense, a service line from the water meter/connection to the Applicant's point of use which includes X /does not include a cutoff valve on the Applicant's side of the water meter/connection. The Applicant/Customer will be responsible for maintenance and repair of the Applicant/Customer's service line. The Applicant/Customer shall hold the Utility harmless from any and all claims or demands for damage to real or personal property occurring from the point the Applicant/Customer ties on the water meter/connection to the final destination of the line installed by Applicant/Customer.

The Applicant agrees to grant to the Utility an easement/right-of-way for the purpose of installing, maintaining and operating such pipe lines, meters, valves, and any other equipment which may be deemed necessary for the provision of Utility service to that Applicant/Customer. The Utility will attempt to restore the Applicant/Customer's property to its original condition after installation or repairs. This easement may be in such form as is required by the Utility. The Applicant/Customer agrees not to interfere with the Utility's employees in the discharge of their duties. The Applicant/Customer will not permit anyone except the Utility's employees to tamper with or interfere with any of the utility's equipment installed on the Applicant/Customer's premises.

Non-Standard Service

Will the Applicant's use of water place unique, non-standard service demands upon the system or require any special facilities?

X No ___ Yes If yes, please describe.

OTHER AGREEMENTS OR REQUIREMENTS FOR SERVICE

The service applicant has been provided a copy of the utility's Exempt Utility Tariff and agrees to pay the rates in the tariff and abide by the requirements in this service agreement. This utility is exempted from most of the requirements for water utilities as long as service is provided in accordance with the Exempt Utility Tariff. The Commission will not review rate changes by the utility unless it receives written protests from at least 50% of the customers within 90 days after the effective date of a rate change.

Applicant/Customer's Signature

Date ____/____/____

\$ _____ Tap Fee Collected

\$ _____ Deposit Collected

Service will be connected at the service location on or about _____, 20____.

Utility Representative

Date ____/____/____