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DOCKET NO. 45447

**APPLICATION OF PONDER
ENTERPRISES INC. DBA
LONGHORN CO. FOR A CLASS C
RATE ADJUSTMENT**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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NOTICE OF APPROVAL

This Notice addresses the application of Ponder Enterprises Inc. d/b/a Longhorn Co. (Ponder) for a Class C rate adjustment. Public Utility Commission of Texas (Commission) Staff recommends approval of the application. The application is approved.

The Commission adopts the following findings of fact and conclusions of law:

I. Findings of Fact

Procedural History

1. On December 17, 2015, Ponder filed an application for a Class C rate adjustment pursuant to Tex. Water Code § 13.1872 (TWC) and 16 Tex. Admin. Code § 24.36 (TAC) (Application).
2. On January 19, 2016, Commission Staff recommended that the Application be deemed administratively complete and approved. Commission Staff requested additional time to file tariff sheets that reflect the approved rate change.
3. On January 22, 2016, Order No. 2 was issued, deeming the Application administratively complete, but declining to approve the Application until compliance tariff sheets have been provided.
4. On January 26, 2016, Commission Staff filed a compliance tariff sheets for Ponder, and on January 27, 2016 filed an errata to the compliance tariff sheets, correcting a typographical error.
5. The tariff sheets discussed in Finding of Fact No. 4 are attached to this Notice.

Rate Adjustment Requested

6. Ponder requested an adjustment to its water tariff base rate (monthly meter charge) and its monthly gallonage rate based on the Commission's current price index of 1.57%.

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7. Commission Staff proposed a March 18, 2016 effective date for Ponder's requested rate increase to coincide with the appropriate billing cycle and satisfy the 30-day noticing requirement of 16 TAC § 24.36(e).

II. Conclusions of Law

1. The Commission has jurisdiction over this proceeding pursuant to TWC §§ 13.041 and 13.1872.
2. Ponder is a utility as that term is defined in TWC § 13.002(23) and is also defined as a Class C utility in TWC § 13.002(4-c), that provides retail water or sewer utility service through fewer than 500 taps or connections.
3. Pursuant to TWC § 13.1872(e), a Class C utility is allowed to receive, without a hearing, an annual rate adjustment based on changes in the "price index," as that term is defined in TWC § 13.1872(b).
4. The Commission-approved price index for calendar year 2016 is 1.57%.¹
5. The application was processed in accordance with the requirements of the TWC and the Commission's rules.
6. Ponder is entitled to approval of the price index rate adjustment requested in the Application, having demonstrated that the requirements of TWC § 13.1872 and 16 TAC § 24.36 have been satisfied.
7. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following Order:


1. Ponder's Application is approved.
2. Ponder's new rates may go into effect on or after March 18, 2016.

¹ *Setting Price Index for Calendar Year 2016*, Order at 1 (Nov. 20, 2015).

3. Ponder shall issue the amended notice of this approved rate change recommended by Commission Staff at least 30 days before the effective date of the rate change.
4. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are denied.

SIGNED AT AUSTIN, TEXAS the 4th day of January 2016.

PUBLIC UTILITY COMMISSION OF TEXAS



SUSAN E. GOODSON
ADMINISTRATIVE LAW JUDGE