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MARK GROBA'S APPEAL OF THE
COST OF OBTAINING SERVICE
FROM NOACK WATER SUPPLY
CORPORATION IN WILLIAMSON
COUNTY

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PUBLIC UTILITY COMMISSION
WILLIAMSON COUNTY COMMISSION
FILING CLERK

OF TEXAS

**COMMISSION STAFF'S COMMENTS ON ADMINISTRATIVE COMPLETENESS
AND PROCESSING OF PETITION**

COMES NOW the Staff of the Public Utility Commission of Texas (Commission), representing the public interest and files this Comments on Administrative Completeness and Processing of Petition, and would show the following:

I. BACKGROUND

On June 9, 2016, Mark Groba filed a petition with the Public Utility Commission of Texas (Commission) appealing the decision of Noack Water Supply Corporation (Noack WSC) for the cost of obtaining service. On June 20, 2016, Order No. 1 was issued requiring Staff to file comments on the administrative completeness of the petition and for Noack WSC and Staff to file comments on how this petition should be processed and propose a procedural schedule.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS

Mr. Groba filed his petition using the Commission form for the "Appeal of the Cost of Obtaining Service from a Water Supply Corporation." Notice is not required for this petition. While the parties may need to develop additional facts in this proceeding, Staff recommends that the petition be declared administratively complete for further processing pursuant to 16 Tex. Admin. Code §24.8 (TAC).

III. PROCESSING OF PETITION

Mr. Groba appears to complain about the fees fee that was applied to his request for service based on the existence of a meter when he purchased the property in 2003, but was subsequently removed. In his petition, Mr. Groba includes a letter from Noack WSC indicating that no fees were paid after Mr. Groba purchased the property, and that the costs to reinstall a meter would be a Reserved Service Fee of \$3,955 or a Capital Recovery Fee for new service of \$3,500. Mr. Groba

states “they took my tap out that was paid for,” and that he feels that he has already paid for the tap.¹ Mr. Groba also complains about not being about to participate in various programs, such as the “emergency livestock meter” for customers with existing taps and another livestock program for customers without taps. Noack WSC responded to the petition on July 8, 2016. In its response, Noack WSC indicated that the “cost to obtain service quoted to Mr. Groba follows the provisions for service provided for in Noack WSC’s tariff.”²

The Commission’s review of the connection fees for a water supply corporation is made pursuant to Texas Water Code (TWC) § 13.043(g), which states, in part:

An applicant for service from an affected county or a water supply or sewer service corporation may appeal to the utility commission a decision of the county or water supply or sewer service corporation affecting the amount to be paid to obtain service other than the regular membership or tap fees. In addition to the factors specified under Subsection (j), in an appeal brought under this subsection the utility commission shall determine whether the amount paid by the applicant is consistent with the tariff of the water supply or sewer service corporation and is reasonably related to the cost of installing on-site and off-site facilities to provide service to that applicant. If the utility commission finds the amount charged to be clearly unreasonable, it shall establish the fee to be paid for that applicant.

Pursuant to the requirements under TWC § 13.043(g), Staff will evaluate whether the fees requested by Noack WSC are “consistent with the tariff of the water supply or sewer service corporation and is reasonably related to the cost of installing on-site and off-site facilities to provide service.” Staff requests the following procedural schedule to conduct its evaluation and develop the facts in this proceeding:

Event	Date
Deadline for Staff to issue its final recommendation on the petition or to request a hearing	October 11, 2016
Deadline for parties to respond to Staff’s recommendation and/or to request a hearing, or if no hearing requested, deadline to file a proposed order	October 25, 2016

¹ Petition at 2 (June 8, 2016).

² Noack WSC Response at 1 (July 8, 2016).

Staff clarifies that its analysis of Mr. Groba's complaint under TWC § 13.043(g) is limited to "the amount to be paid to obtain service other than the regular membership or tap fees." Staff's evaluation would not include Mr. Groba's complaint about participating in various programs offered by Noack WSC. Staff recommends that the portion of Mr. Groba's complaint relating to his ability to participate in various programs is beyond the Commission's jurisdiction afforded under TWC § 13.043(g).

Dated: July 11, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

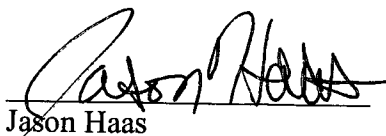
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 11, 2016 in accordance with 16 Tex. Admin. Code § 22.74.



Jason Haas