



Control Number: 46245



Item Number: 717

Addendum StartPage: 0

SOAH DOCKET NO. 473-17-0119:WS  
PUC DOCKET NO. 2018-0245V

RECEIVED  
NOV 28 PM 1:06  
PUBLIC UTILITY COMMISSION  
BEFORE THE STATE OFFICE  
FILING CLERK OF  
ADMINISTRATIVE HEARINGS

APPLICATION OF DOUBLE §  
DIAMOND UTILITY COMPANY, INC. §  
FOR WATER AND SEWER §  
RATE/TARIFF CHANGE §

**DOUBLE DIAMOND UTILITY COMPANY, INC.'S**  
**REQUEST FOR ORAL ARGUMENT**

COMES NOW, Double Diamond Utility Company, Inc. (“DDU”) and files this request to present oral argument at the open meeting of the Public Utility Commission (the “Commission”) on December 7, 2018, in the event this docket is scheduled to be considered at the open meeting.

The Final Order was signed in this proceeding on August 30, 2018. DDU timely filed a Motion for Rehearing on September 24, 2018. The Commission considered this matter at its open meeting on October 12, 2018, and extended its time to act on the motions for rehearing filed in this docket to the “maximum extent allowed by law.”

The Commission has an open meeting scheduled for December 7, 2018; however, the agenda for the open meeting is not yet available. In the event DDU’s Motion for Rehearing is scheduled for the Commission’s consideration at the upcoming open meeting date, DDU respectfully requests to present oral argument at that open meeting. Pursuant to 16 Tex. Admin. Code § 22.262(d), a request for oral argument “shall be filed no later than 3:00 p.m. on the seventh working day preceding the date upon which the commission is scheduled to consider the case.” Therefore, this request is timely filed.

This case presents an issue of first impression for the Commission regarding a number of issues related to the regulation of rates for water and sewer systems. While DDU appreciates the approval of an increase in rates for The Cliffs water and sewer systems, there are numerous errors

717

related to the Commission's decision. The Final Order is not supported by evidence in the record, ignores important evidence in the record, and imposes new requirements on DDU that are not contained in the Water Code or any Commission rule.

WHEREFORE, PREMISES CONSIDERED, Double Diamond Utility Company, Inc., hereby requests to present oral argument to the Commission in the event this matter is considered at the open meeting scheduled for December 7, 2018.

Respectfully submitted,

By: 

John J. Carlton  
The Carlton Law Firm P.L.L.C.  
4301 Westbank Drive, Suite B-130  
Austin, Texas 78746  
(512) 614-0901  
Fax (512) 900-2855  
State Bar No. 03817600

ATTORNEY FOR DOUBLE DIAMOND  
UTILITY COMPANY, INC.

#### **CERTIFICATE OF SERVICE**

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail Return Receipt Requested to all parties on this the 28<sup>th</sup> day of November, 2018.



John J. Carlton