

Control Number: 46256



Item Number: 1777

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**SOAH DOCKET NO. 473-17-1641.WS  
PUC DOCKET NO. 46256**

**APPLICATION OF LIBERTY  
UTILITIES (WOODMARK SEWER)  
CORP., LIBERTY UTILITIES (TALL  
TIMBERS SEWER) CORP., AND  
LIBERTY UTILITIES (SUB) CORP.  
FOR A RATE/TARIFF CHANGE**

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**BEFORE THE PUBLIC UTILITY**

**COMMISSION OF TEXAS**

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PUBLIC UTILITY COMMISSION  
FILING CLERK

**UNOPPOSED REQUEST FOR PROPOSED ORDER CORRECTIONS**

COME NOW Liberty Utilities (Woodmark Sewer) Corp., Liberty Utilities (Tall Timbers Sewer) Corp, and Liberty Utilities (Sub) Corp. (“Liberty Utilities” or “Applicants”) and, after conferring with the City of Tyler (“Tyler”), Office of Public Utility Counsel (“OPUC”), Public Utility Commission of Texas Staff (“Staff”) and Intervenor ratepayers represented by Ms. Katherine Carter (“Intervenors”) (collectively, the “Parties”), file this Unopposed Request for Proposed Order Corrections.

On May 7, 2019, the Parties were informed this matter will be considered by the Commission at its June 13, 2019 open meeting. The Parties have agreed to “do all things reasonably necessary to obtain Commission approval” of their Unanimous Stipulation and Settlement Agreement as supplemented by their Unanimous Stipulation and Settlement Agreement Addendum. However, the Parties have identified a need for one minor change to their agreement which should be reflected in the final order that has become necessary simply because of timing.

Proposed Order Finding of Fact Nos. 113-122 discuss the Customer Assistance Program (“CAP”) and CAP implementation documents the Parties agreed upon as referenced in Stipulation Paragraph II.2.d. and Stipulation Addendum, Paragraph II.2.b. The Parties included CAP implementation documents in Stipulation Addendum, Exhibit C. However, Liberty Utilities also agreed to implement the CAP after the final order for this case is approved. That did not occur in

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2018 as anticipated and did not occur this year before April 30, 2019. Thus, there are not yet any CAP applicants.

Consequently, to facilitate feasible implementation of this portion of the settlement, Liberty Utilities and the Parties have agreed to the attached substitute Stipulation Addendum Exhibit C and request approval of same as part of the final order. The substitute makes certain changes in the sections on “Implementation” and “Enrollment” to: (1) permit program applicants in 2019 after April 30<sup>th</sup> of this calendar year; and (2) extend credits back to August 1, 2017 for applicants qualifying for the program in 2019, as opposed to 2018 (since the program was not yet implemented). Finding of Fact Nos. 113 and 121 should be revised accordingly.

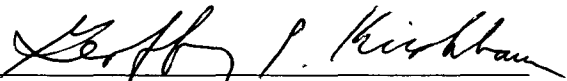
Additionally, Commission Staff has raised a need for a few additional corrections to the proposed order as follows:

1. Ordering Paragraph No. 16 should be revised to clarify that in the circumstances described, “Woodmark must submit to Commission Staff and Tyler a complete listing . . .” so that this provision aligns with Finding of Fact No. 142.

2. Conclusion of Law No. 12 has the current and former rule numbers reversed. In other words, this provision should read: “In accordance with 16 TAC §§ 24.37 and 24.75 (formerly 16 TAC §§ 24.29(j) and 24.34(b)(5), respectively), Liberty provided notice of the final interim rates that are approved as final in this Order.”

These changes will serve to clarify and improve the Proposed Order, including changes so that the intent of the Parties with respect to the CAP may be properly implemented after the final order is issued in this docket. Commission Staff and the other Parties have authorized Liberty Utilities to represent that they are unopposed to same. They support issuance of the Proposed Order in all other respects.

Respectfully submitted,

By: 

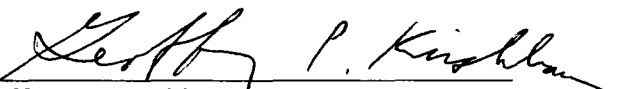
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**ATTORNEYS FOR LIBERTY UTILITIES  
(TALL TIMBERS SEWER) CORP., LIBERTY  
UTILITIES (WOODMARK SEWER) CORP.,  
AND LIBERTY UTILITIES (SUB) CORP.  
CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on June 5, 2019 in accordance with P.U.C. Procedural Rule 22.74.

  
Geoffrey P. Kirshbaum



## **CUSTOMER ASSISTANCE PROGRAM**

### **Docket No. 46256**

Liberty Utilities (Tall Timbers Sewer) Corp. (“Liberty Tall Timbers”) and Liberty Utilities (Woodmark Sewer) Corp. (“Liberty Woodmark”) (collectively “Liberty Utilities”) have established a Customer Assistance Program (CAP) in accordance with the following terms, as approved in Docket No. 46256.

1. **Funding.** Liberty Utilities shall fund the CAP with at least \$10,000 per calendar year, beginning January 1, 2018.

2. **Duration.** The CAP shall be effective beginning with the first bill cycle following the date of the final order by the Commission approving the agreed Stipulation and Settlement Agreement in Docket No. 46256 and establishing final rates until the next rate case for Liberty Tall Timbers or Liberty Woodmark, as applicable, but either may end its CAP with its next rate case filing. In the event that either Liberty Tall Timbers or Liberty Woodmark ends its CAP but the other company does not file a rate case at the same time, the non-filing company shall continue its CAP in accordance with the terms and conditions of this agreement, including CAP funding for \$10,000. The \$10,000 funding commitment applies collectively to Liberty Tall Timbers and Liberty Woodmark, but that funding commitment will continue in the event that only one of those companies has a CAP as noted above until that company’s next rate case. Neither Liberty Tall Timbers nor Liberty Woodmark is obligated to continue use of a CAP beyond its next rate filing, but may opt to continue a CAP at its sole discretion.

3. **Use.** The CAP fund may be allocated between Liberty Tall Timbers and Liberty Woodmark as determined by Liberty Utilities to benefit qualified low-income applicants. The fund may also be used for one time per year emergency or catastrophic assistance determined on a case-by-case basis at the sole discretion of Liberty Utilities. Initial bill credits shall equate to at least a 15% discount per month per qualified applicant’s bill, but bill credits may be increased equally for all qualified applicants at the sole discretion of Liberty Utilities.

4. **Promotion.** Liberty Utilities shall notify its customers of the availability of the CAP by bill insert with the first bill cycle following CAP implementation. Subsequently, Liberty Tall Timbers and Liberty Woodmark shall notify customers about CAP availability and how to find more detailed information about the CAP by means of a bill notation (e.g., provide reference to a web site) or other similar means for so long as the CAP remains in effect for each respective company.

5. **Implementation.** Liberty Tall Timbers and Liberty Woodmark will implement the CAP with the first bill cycle following the date of the final order by the Commission in Docket No. 46256 establishing final rates. For qualified applicants that apply for the CAP in 2019, Liberty Tall Timbers and Liberty Woodmark shall calculate the initial total CAP discount for such applicants back to August 1, 2017. In that situation, the total CAP amount for 2017 will be \$4,200



and will be in addition to the \$10,000 CAP amounts for 2018 and 2019. The CAP program bill credits for such applicants in 2019 shall include the calculation of CAP discounts back to August 1, 2017 subject to the funding limits set forth above.

#### **HOW TO APPLY**

To qualify for participation in the CAP, mail, fax or email your complete Customer Assistance Program Application to:

**Liberty Utilities  
12725 W. Indian School Rd, Suite D101  
Avondale, AZ 85392  
Fax: (623) 935-1020  
Email: [CustomerServiceDept@LibertyUtilities.com](mailto:CustomerServiceDept@LibertyUtilities.com)**



## CUSTOMER ASSISTANCE PROGRAM APPLICATION

The Customer Assistance Program (CAP) shall be available to qualifying residential customers of Liberty Utilities (Tall Timbers Sewer) Corp. and Liberty Utilities (Woodmark Sewer) Corp. on a first-come, first serve-basis. To apply for the CAP, please check (✓) all that apply:

- ☐ I am a Liberty Utilities residential customers and the account is in my name.
- ☐ My household income is at or below the income levels in the listing below.

Household Size	Total Gross Annual Income from All Sources
1	\$18,210
2	\$24,690
3	\$31,170
4	\$37,650
5	\$44,130
6	\$50,610

**\*Qualifying annual incomes are set at 150 percent of the 2018 federal poverty levels**

For each additional person residing in the household, add \$5,400. Income levels will be reset to applicable federal poverty guidelines every two years.

- ☐ I am not claimed as a dependent on another person's tax return.
- ☐ My account has been active and in good standing for at least three months without any delinquencies or disconnects.
- ☐ I can provide proof of residency for additional household members, as may be required.

Please complete the following information. **Incomplete information will delay your discount.** The name used to apply for the credit **must** match the name on the Liberty Utilities statement/account.

<b>PLEASE PRINT LEGIBLY</b>															
<b>Liberty Utilities Account Number</b> (As shown on statement)															
No. of persons living in household:	Household's Total Gross Annual Income: \$								Phone Number						
Name															
Address															
City				State						Zip Code					



**Proof of Income:** Provide signed IRS Income Tax Statement and proof for all sources of income for all members in the household of 18 years of age or older. Acceptable forms of proof include:

- **REQUIRED:** Signed IRS income tax statement (please note that this is required for all applicants. In the event that taxes are not filed, a statement must be provided along with another acceptable form of income documentation).
- W-2 form (for the previous tax year and must cover full year or gaps in time must be explained).
- Social Security or Disability Awards letter (for the current calendar year).
- Form 1099 – for self-employed or independent contractor (from client).
- Proof of Enrollment — for full time students with no income.
- Declaration of income statement – for those who have no income.

In addition to your proof of income, please provide the following: current photo identification for account holder with address matching the address on file.

**Enrollment Period.** Except for 2019, you must submit a complete application by April 30 of the current year. The assistance period will update every June 1 and will continue through May 31 of the following year. Customers establishing new accounts after April 30 may still be eligible if they file an application prior to the third billing cycle after connection. Qualifying customers shall receive credits under the CAP commencing with the next regularly scheduled billing period that follows receipt and approval by Liberty Utilities.

**Additional Enrollment Conditions.**

- ☐ You must renew your application every year.
- ☐ You must reapply each time you move residences.

By signing below, I certify that this information is true and correct under the laws of the state of Texas.

\_\_\_\_\_  
Customer Signature

\_\_\_\_\_  
Date

**Note:** An Application for participation in the CAP must be submitted every year. Please allow 30-45 days for processing.

Office Use Only      Date Verified \_\_\_\_\_      Verified By \_\_\_\_\_      Expires \_\_\_\_\_