

Control Number: 46333



Item Number: 109

Addendum StartPage: 0

RECEIVED

APPLICATION OF PK-RE §
 DEVELOPMENT COMPANY, INC. DBA §
 GREENSHORES UTILITY SERVICES §
 AND DBA OAK SHORES WATER §
 SYSTEM FOR AUTHORITY TO §
 CHANGE RATES AND TARIFFS IN §
 TRAVIS COUNTY §

PUBLIC UTILITY COMMISSION

2017 JAN 13 PM 1:12

OF TEXAS

PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION THAT APPLICATION AND NOTICE
 BE FOUND ADMINISTRATIVELY COMPLETE AND REQUEST FOR HEARING**

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

I. Background

On October 12, 2016, PK-RE Development Company, Inc. d/b/a Greenshores Utility Services and d/b/a Oak Shores Water System (PK-RE) filed an application to change rates and tariffs in Travis County. On November 16, 2016, Order No. 2 was issued finding the application deficient and suspending the effective dates. Order No. 2 required PK-RE to cure the deficiencies in its notice and file an affidavit attesting to the re-noticing of customers by December 16, 2016. On December 16, 2016, PK-RE filed an affidavit attesting to the re-noticing of customers. Order No. 2 also required Staff to file a supplemental recommendation regarding the administrative completeness of the application and notice by January 13, 2017. Accordingly, this pleading is timely filed.

II. Recommendation on Administrative Completeness

Staff has reviewed the notice and affidavit filed by PK-RE on December 16, 2016 and, as supported by the attached memorandum from Emily Sears, Financial Analyst and Ricky Herrera, Engineering Specialist with the Water Utility Regulation Division, Staff recommends that the application and notice are administratively complete and sufficient for filing. As required by

Order No. 2, PK-RE provided notice to each customer and other affected party by mail on December 9, 2016.

III. Request for Hearing

Pursuant to 16 Tex. Admin. Code § 24.28(c)(2), the Commission shall set an application to change rates for a hearing if it receives protests from the lesser of 1,000 or 10 percent of the affected ratepayers of the utility over whose rates the Commission has original jurisdiction. According to its application, PK-RE has approximately 223 connections. The Commission received 94 protests from affected ratepayers, which number is greater than 10 percent of the 223 affected ratepayers. Therefore, Staff hereby requests that this matter be referred to the State Office of Administrative Hearings (SOAH) for an evidentiary hearing.

IV. Conclusion

Staff respectfully requests that an order be issued consistent with this Recommendation.


Dated: January 13, 2017

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

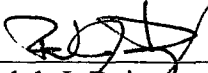


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DOCKET NO. 46333

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 13, 2017, in accordance with 16 TAC § 22.74.



Ralph J. Daigneault

Public Utility Commission of Texas

Interoffice Memorandum

TO: Ralph Daigneault, Attorney
Legal Division

THRU: Tammy Benter, Director
Debi Loockerman, Manager
Water Utility Regulation

FROM: Emily Sears, Financial Analyst
Ricky Herrera, Engineering Specialist
Water Utility Regulation

DATE: January 13, 2017

SUBJECT: **Docket No. 46333**, *Application of PK-RE Development Company, Inc. dba Greenshores Utility Services and dba Oak Shores Water System for Authority to Change Rates and Tariffs in Travis County*

On October 17, 2016, PK-RE Development Company, Inc. dba Greenshores Utility Services and dba Oak Shores Water System (PK-RE or Applicant), Certificate of Convenience and Necessity (CCN) Nos. 12407 (water) and 20948 (sewer), filed an application with the Public Utility Commission of Texas (Commission) for a water and sewer rate/tariff change for Oak Shores, Oak Shores on Lake Austin, Briarpatch, Smokey Ridge Annex & three tracks thereof, Pearce Anx., Skishores Restaurant & Marina, Greenshores & Pearce Road Area, Woods of Greenshores Subdivision, and Greenshores on Lake Austin. An administrative review of the application is now being made pursuant to Tex. Water Code Ann. § 13.1871 (TWC) and 16 Tex. Admin. Code §§ 24.21 through 24.26 (TAC). Staff has completed the review with regard to sufficiency.

PK-RE currently provides retail water utility service with one public water system. This applications affects approximately 223 connections.

Commission Order No. 2 found the application deficient due to incorrect notices. On December 16, 2016, the Applicant filed corrected notices. Staff has reviewed the notices and recommends that the Commission find the notices sufficient.

A sufficient number of protests have been filed in Docket 46333 to request a referral to the State Office of Administrative Hearings.

Based on the review, staff recommends that the Commission deem the rate/tariff change application sufficient for filing.