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SOAH DOCKET NO. 473-17-2372.WS  
PUC DOCKET NO. 46438

APPLICATION OF J&S WATER § BEFORE THE STATE OFFICE  
COMPANY, LLC FOR A § OF  
RATE/TARIFF CHANGE § ADMINISTRATIVE HEARINGS

**UNOPPOSED MOTION TO ADMIT EVIDENCE AND  
REMAND PROCEEDING TO THE COMMISSION**

COMES NOW, the Commission Staff (“Staff”) of the Public Utility Commission of Texas (“PUC” or “Commission”) and J&S Water Company, LLC (“J&S”) (collectively, “Movants”) to jointly file this Unopposed Motion to Admit Evidence and Remand Proceeding (“Motion”). Lori Franz, individually and on behalf of all persons intervening in PUC Docket No. 46438 was also a party to this docket, but is not a Movant hereunder. J&S provided Ms. Franz with a copy of this Motion and related documents and requested she communicate any opposition to same by 5 p.m. CST on Friday, September 15, 2017. Ms. Franz acknowledged receipt of the documents and confirmed her understanding of the deadline to communicate her opposition to this Motion. Ms. Franz communicated no opposition to this Motion; thus, it is unopposed by all Parties in this Docket. In support of the Motion, the Parties show as follows:

**I. Background**

On November 23, 2016, J&S filed an application (“Application”) with the Commission requesting authority for water-rate, sewer-rate, and tariff changes in Chambers County, Texas and Liberty County, Texas. The Application proposed to increase J&S’s water rates, sewer rates, and revise J&S’s tariff for Certificate of Convenience and Necessity (“CCN”) No. 12085 (water) and 20658 (sewer).

This joint filing includes a proposed final order with findings of fact, conclusions of law, and ordering paragraphs. The Movants reviewed and agreed to the Proposed Order attached hereto. Pursuant to SOAH Order No. 9, this joint filing is timely filed.

**II. Summary of the Unopposed Stipulation and Settlement Agreement**

The Movants believe that a resolution of this docket consistent with the Unopposed Stipulation and Settlement Agreement is reasonable and in the public interest.

The Movants agree that J&S should be allowed to implement its retail water and sewer utility rates contained in the tariffs included as Attachment A to the Unopposed Stipulation and

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Settlement Agreement for the water and sewer systems included in the Application. The Movants agree that the stipulated rates will generate sufficient revenue for J&S to meet its operating costs for this fiscal year for both its water system and its sewer system and an overall rate-of-return within legal limits. The Movants agree that approval of the stipulated rates is reasonable and in the public interest.

The effective date of the new rates will be the first day of the month following Commission approval of the stipulated rates. The Movants agree that these rates are just and reasonable and consistent with the public interest.

Finally, the Movants agree that J&S will not seek to recover and will not collect any rate-case expenses it has incurred or will incur in connection with this docket.

### **III. Motion to Admit Evidence**

The Movants respectfully request that the following evidence be admitted into the record of this docket for the purpose of supporting a Commission order approving the proposed settlement:

- a. Application of J&S Water Company, LLC for a Class B Rate/Tariff Change, filed November 23, 2016;
- b. J&S's revised proof of notice, filed January 10, 2017;
- c. J&S's Verification Affidavit, filed November 23, 2016;
- d. Direct Testimony of Bret Fenner on behalf of J&S, filed on May 1, 2017;
- e. Direct Testimony of Philip S. Haag on behalf of J&S, filed on May 1, 2017;
- f. Unopposed Stipulation and Settlement Agreement, including attachments, filed the same day as this Motion; and
- g. Memoranda of Sean Scaff and Janie Kohl of the Commission's Water Utilities Division in support of the Unopposed Stipulation and Settlement Agreement, filed the same day as this Motion.

### **IV. Motion for Remand**

The Movants respectfully request an order remanding this case to the Commission for the consideration of the Unopposed Stipulation and Proposed Order. Remand is appropriate because the Unopposed Stipulation resolves all contested issues in this docket.

Dated: October 5, 2017

Respectfully submitted,

**J&S WATER COMPANY, LLC**



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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 5, 2017 in accordance with 16 TAC § 22.74.



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