

Control Number: 46556



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DOCKET NO. 46556

**APPLICATION OF RIVERSIDE WASTE §
WATER TREATMENT PLANT OFR §
AUTHORITY TO CHANGE RATES §
§**

**PUBLIC UTILITY COMMISSION
OF TEXAS**
2017 JUL 28 PM 1:43
PUBLIC UTILITY COMMISSION
CLERK

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND MOTION TO SUSPEND THE EFFECTIVE DATE
OF THE PROPOSED RATES**

COMES NOW the Staff ("Staff") of the Public Utility Commission of Texas ("Commission"), representing the public interest, and files this Recommendation and Motion.

I. BACKGROUND

On November 9, 2016, River Side Waste Water Treatment Plant ("Riverside") filed an application to change rates pursuant to Tex. Water Code § 13.1871 (West 2008 & Supp. 2016) ("TWC").¹ On February 1, 2017, March 31, 2017, May 1, 2017, and May 22, 2017 Riverside filed supplements to its application.

On July 27, 2017, Riverside filed its proof of notice, indicating that notice was provided on July 21, 2017.

On July 10, 2017, Order No. 7 was entered, requiring Staff to file a recommendation on administrative completeness by July 28, 2017. This pleading is timely filed.

II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

Consistent with the attached memorandum of Andrew Novak and Patricia Garcia, Water Utilities Division, Staff has reviewed the application and notice. Staff notes that the notice provided to customers, as reflected in Riverside's proof of notice, indicates a proposed effective

¹ Application (Nov. 9, 2016).

date of August 29, 2017. Staff recommends that the application, notice, and proposed effective date be deemed administratively complete, consistent with TWC § 13.1871.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the below procedural schedule for this proceeding.

Event	Date
Date notice completed	July 21, 2017
Proposed effective date of rate change	August 29, 2017 ²
Deadline for affected municipality to file a complaint and deadline for customer protests ³	November 27, 2017
Deadline for Staff to request a hearing or file a recommendation on final disposition	December 1, 2017
Deadline for applicant to respond to Staff recommendation or, if no disputed issues exist, deadline for parties to file proposed findings of fact, conclusions of law, and ordering paragraphs	December 15, 2017
120 th day after the effective date ⁴	December 27, 2017

IV. MOTION TO SUSPEND EFFECTIVE DATE OF PROPOSED RATES

Staff respectfully requests that the presiding officer suspend the effective date of the proposed rates. The Commission's rules provide for a 265-day suspension of the effective date of rates proposed in an application filed pursuant to TWC § 13.1871.⁵ Suspension of the proposed rates would promote economy by avoiding the potential for refunds in the event that the Commission approves rates that are lower than the proposed rates.

² Pursuant to 16 Tex. Admin. Code § 24.26(a) ("TAC"), the effective date of the proposed rates may be suspended up to 265 days from the date the proposed rate would otherwise be effective. The end of the applicable 265-day period is May 21, 2018.

³ Pursuant to 16 TAC § 24.28(c), if during the first 90 days after the effective date of the rate change, the Commission receives a complaint from any affected municipality, or from the lesser of 1,000 or 10% of the ratepayers of the utility over whose rates the Commission has original jurisdiction, or on its own motion, the Commission shall set the matter for hearing.

⁴ 16 TAC § 24.28(c)(1).

⁵ 16 TAC § 24.26(a).

V. CONCLUSION

Staff respectfully requests that the presiding officer find the application and notice to be administratively complete, adopt the proposed procedural schedule, and suspend the effective date of the proposed rates for 265 days.

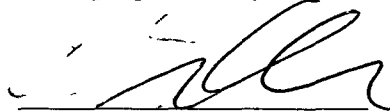
Date: July 28, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

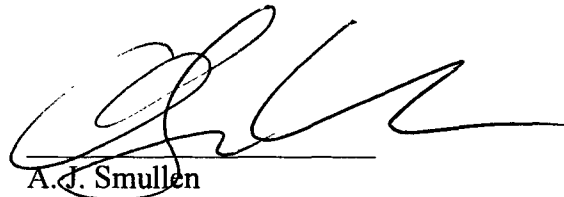
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CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on July 28, 2017 in accordance with 16 TAC § 22.74.



A. J. Smullen

PUC Interoffice Memorandum

To: AJ Smullen
Legal Division

Thru: Heidi Graham, Manager
Debi Loockerman, Manager
Water Utilities Division

From: Patricia Garcia, Engineer Specialist
Andrew Novak, Financial Specialist
Water Utilities Division

Date: July 28, 2017

Subject: **Docket No 46556**, *Application of Riverside Waste Water Treatment Plant for a Rate/Tariff Change*

On November 9, 2016, Riverside Waste Water Treatment Plant (Riverside), Certificate of Convenience and Necessity No. 20740, filed with the Commission an application to change its tariff and increase its sewer service rates pursuant to Texas Water Code (TWC) §13.1871 and 16 Tex. Admin. Code (TAC) §§24.21-24.26 (TAC). On February 1, 2017, March 31, 2017, May 1, 2017, and May 22, 2017 Riverside filed supplements to its application. On July 27, 2017, Riverside filed its proof of notice, indicating that notice was provided on July 21, 2017. The notice provided to customers, as reflected in the proof of notice, indicates a proposed effective date of August 29, 2017.

Based upon Staff's review of the above referenced application and amendments made to the application, Staff recommends that the application be deemed sufficient for filing. Staff also recommends that Riverside's proposed effective date of August 29, 2017 is consistent with TWC § 13.1871.