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APPLICATION OF SUBURBAN UTILITY COMPANY, INC. FOR AUTHORITY TO CHANGE RATES § BEFORE THE STATE OFFICE OF PUBLIC UTILITY COMMISSION OF FILING CLERK ADMINISTRATIVE HEARINGS

SUBURBAN UTILITY COMPANY, INC.'S OBJECTION TO REPRESENTATION OF CUSTOMERS BY THE OFFICE OF PUBLIC UTILITY COUNSEL WITHOUT WRITTEN AUTHORIZATION AND/OR REQUIRING THE IDENTIFICATION OF PARTIES

COMES NOW, SUBURBAN UTILITY COMPANY, INC. ("SUBURBAN UTILITY") by and through counsel, and files this Objection to Representation of Customers by the Office of Public Utility Counsel ("OPUC") Without Written Authorization and/or Requiring the Identification of Parties, and in support hereof would respectfully show as follows:

1. This case was initiated by the filing of a rate/tariff change by SUBURBAN UTILITY with the Commission on December 29, 2016.
2. On January 2, 2017 the OPUC filed a motion to intervene in this case, claiming it represented the interests of unnamed residential and small commercial customers.
3. On January 17, 2017 the Administrative Law Judge issued Order No. 3 in this case granting the OPUC's motion to intervene in this case.
4. Pursuant to Commission rule 16 TAC §22.101(a), and SOAH rule 1 TAC §155.201(a) a person may appear in a contested Commission proceeding in person or by authorized representative. Pursuant to SOAH rule 1 TAC §155.201(a) any party may challenge the authority of a person claiming to represent another person or persons or another entity, and the person purporting to represent these other person or entity must provide written proof that they have the authority to represent these alleged parties.
5. To date, the OPUC has not provided the names of any persons nor small commercial customers whose interests it claims to represent in these proceedings. Nor has the OPUC provided any written authorization from these persons whose interests it claims to represent.
7. Pursuant to 1 TAC §155.201(a) SUBURBAN UTILITY challenges and objects to the OPUC

representing unnamed residents and small commercial customers without written proof that these allege residents or small commercial customers have given written authorization for the OPUC to represent them. Although Texas Water Code §13.001 provides that the OPUC represents the interests of residential and small commercial customers, this does not negate nor preclude the requirements of 1 TAC §155.201(a) nor 1 TAC §155.201(a) that the OPUC be required to identify and to provide written proof from those it claims to represent in this case.

9. In addition to the above, SOAH Rule 1 TAC §155.201(a) requires that the OPUC at the very least specify the specific residential or small commercial customers or classes of persons it claims to represent in this case.

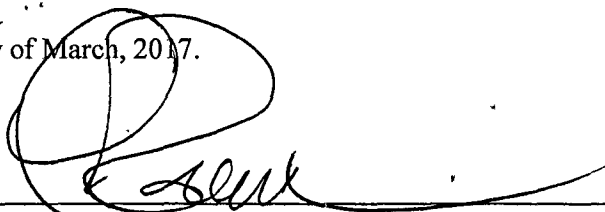
10. In its objections to discovery served on the OPUC by SUBURBAN UTILITY, see Docket Item No. 305 in this case, the OPUC objected to responding to a number of Request for Information claiming attorney-client privilege. In order to claim this privilege the OPUC must have had communications with specific persons that it claims are covered by this privilege. If the OPUC has been in communications with specific residential or small commercial customers to which the OPUC asserts the attorney-client privilege, then pursuant to 1 TAC §155.201(a) SUBURBAN UTILITY requests that the Honorable Administrative Law Judge require the OPUC to identify these persons, residential or small commercial customers. By asserting the attorney-client privilege the OPUC is stating that it has had communications with specific persons and the above-stated Commission and SOAH rules require the OPUC to identify these persons.

11. SUBURBAN UTILITY requests that the Honorable Administrative Law Judge issue an order requiring the OPUC to identify the residential and small commercial customers it is representing in this case and whom it claims its communications with are covered by the attorney-client privilege pursuant to Commission rule 16 TAC §22.101(a), and SOAH rule 1 TAC §155.201(a).

WHEREFORE, SUBURBAN UTILITY requests that the Honorable Administrative Law Judge issue orders as requested above before this case is permitted to proceed, and it requests such other relief as

the Administrative Law Judge may deem appropriate.

Respectfully submitted this 16th day of March, 2017.



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was served on the known parties to date on the 16th day of March, 2017 by either First Class Mail, or Facsimile Transmission or hand delivery.



Les Romo