

Control Number: 46674



Item Number: 317

Addendum StartPage: 0

SOAH DOCKET NO. 473-17-2457.WS
PUC DOCKET NO. 46674

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

**OFFICE OF PUBLIC UTILITY COUNSEL'S
RESPONSE TO SUBURBAN'S OBJECTION TO
REPRESENTATION OF CUSTOMERS**

The Office of Public Utility Counsel (OPUC) files this response to Suburban Utility Company, Inc.'s (Suburban) Objection to Representation of Customers by the OPUC Without Written Authorization and/or Requiring the Identification of Parties. OPUC requests the ALJ deny Suburban's objection and in support thereof shows the following:

I. Argument

The Office of Public Utility Counsel's (OPUC) authority to intervene in proceedings is governed by Texas Water Code Section 13.017. Under TWC § 13.017, OPUC may appear or intervene, as a party or otherwise, as a matter of right on behalf of residential consumers, as a class, in any proceeding before the utility commission. TWC § 13.017(b)(3)(A). Further, under TWC § 13.017(b)(3)(B) OPUC may appear or intervene, as a matter of right on behalf of small commercial consumers, as a class, in any proceeding in which the counsellor determines that small commercial consumers are in need of representation. The statute does not require OPUC to provide written proof of its authority to represent residential and small commercial consumers as that authority is granted by statute and no other evidence is required.

Suburban relies on 16 TAC § 22.101(a) and 1 TAC § 155.201(a) to claim that OPUC must identify and provide written proof of the individual consumers OPUC represents. Neither provision supports this claim. These provisions are set out in full below:

16 TAC § 22.101(a) Any person may appear before the commission or in a hearing in person or by authorized representative. The presiding officer may require a representative to submit proof of his or her authority to appear on behalf of another person. The authorized representative of a party shall specify the particular persons **or classes of persons** the representative is representing in the proceeding.¹

1 TAC § 155.201(a) A party may represent himself or herself or may appear by authorized representative. Parties that are not represented by an attorney may obtain information regarding contested case hearings on SOAH's public website at www.soah.texas.gov.²

Commission rule 16 TAC § 22.101(a) is satisfied upon the authorized representative specifying the particular persons *or classes of persons* that the representative is representing in the proceeding. SOAH rule 1 TAC § 155.201(a) is inapplicable. To the extent proof of representation of a class of persons is required, please see OPUC's motion to intervene in this docket,³ and Texas Water Code, § 13.017. Nothing requires OPUC to identify particular individual residential or small business customers. Accordingly, Suburban's objection is without merit and should be denied.

II. Conclusion

For the reasons discussed herein, OPUC requests that the ALJ deny Suburban's objection, and grant OPUC such further relief to which it may be entitled:

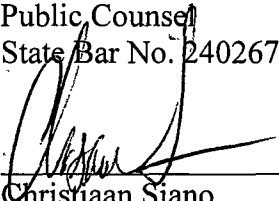
¹ 16 TAC § 22.101(a)(emphasis added).

² 1 TAC § 155.201(a).

³ See Item 3, filed January 2, 2017.

Dated: March 21, 2017

Respectfully submitted,
Tonya Baer
Public Counsel
State Bar No. 24026771



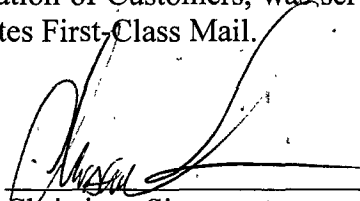
Christiaan Siano
Assistant Public Counsel
State Bar No. 24051335

OFFICE OF PUBLIC UTILITY COUNSEL
1701 N. Congress Avenue, Suite 9-180
P.O. Box 12397
Austin, Texas 78711-2397
512/936-7500 (Telephone)
512/936-7525 (Facsimile)
christiaan.siano@opuc.texas.gov
opuc_eservice@opuc.texas.gov (Service)

CERTIFICATE OF SERVICE

SOAH DOCKET NO. 473-17-2457.WS
PUC Docket No. 46674

I hereby certify that today, March 21, 2017, a true copy of the Office of Public Utility Counsel's Response to Suburban's Objection to Representation of Customers, was served on all parties of record via hand delivery, facsimile, or United States First-Class Mail.



Christiaan Siano