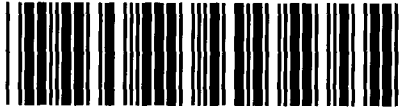


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DOCKET NO. 46701

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CITY OF HOWARDWICK
RATEPAYERS' APPEAL OF THE
DECISION OF THE RED RIVER
AUTHORITY OF TEXAS' DECISION
AFFECTING WATER AND SEWER
RATES

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PUBLIC UTILITY COMMISSION
OF TEXAS
PUBLIC UTILITY COMMISSION
FILING CLERK

**ORDER NO. 4
DISMISSING PROCEEDING**

This Order dismisses the December 28, 2016 petition by residents of the City of Howardwick appealing the decision of the Red River Authority of Texas to increase retail water and sewer rates effective October 1, 2016. The deadline to appeal the rate increases was December 30, 2016.¹ Additionally, to perfect an appeal, the petition must have been signed by the lessor of 10,000 or 10 percent of those ratepayers whose rates were changed and who are eligible to appeal.²

Red River is a district for purposes of TWC § 13.043(b)(4),³ and pursuant to an ordinance adopted by Howardwick, is franchised to provide retail water service within the city.⁴ Therefore, residents of Howardwick were affected by Red River's retail water rate increase and are eligible to appeal the increase in Red River's retail water rates. However, Red River does not provide retail sewer service within Howardwick; and none of the signatories of this petition are Red River's retail sewer customers.⁵ Therefore, the signatory residents of Howardwick have not had their retail sewer rates changed and are not eligible to appeal Red River's retail sewer rate change.

In this case, Red River raised its retail water rates district wide;⁶ therefore, all of Red River's retail water customers experienced a rate change and are eligible to appeal, not just citizens of Howardwick. Red River serves 3,922 ratepayers with active water connections, and therefore

¹ Tex. Water Code Ann. § 13.043(c) (West 2016).

² *Id.*

³ Red River Authority of Texas' Motion to Dismiss for Lack of Jurisdiction at 1 (Jan. 30, 2017) (Red River).

⁴ *Id.*

⁵ *Id.* at 3.

⁶ *Id.*

at least 393 signatures of affected and eligible retail water customers were needed to perfect an appeal of Red River's water rate increase.⁷

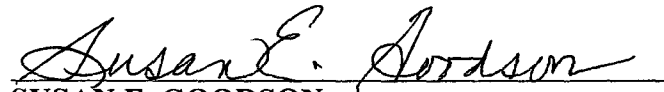
The petition filed by residents of Howardwick includes the signatures of approximately 136 persons,⁸ some of which Red River disputes.⁹ The residents of Howardwick failed to meet the 10 percent requirement within the 90-day deadline, as required under TWC § 13.043(b).¹⁰

For this reason, Commission Staff recommended that this petition should be found administratively incomplete and dismissed for lack of jurisdiction.¹¹ Red River requested dismissal for the same reason.¹² The residents of Howardwick did not respond to the motions to dismiss.

For the reasons discussed above, this petition is deemed deficient, and it is therefore dismissed for lack of jurisdiction.

Signed at Austin, Texas the 17th day of February 2017.

PUBLIC UTILITY COMMISSION OF TEXAS


SUSAN E. GOODSON
ADMINISTRATIVE LAW JUDGE

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⁷ Commission Staff's Recommendation on Administrative Completeness at 2 (Jan. 30, 2017)(Staff).

⁸ *Id.*

⁹ Red River at 2.

¹⁰ Staff at 2.

¹¹ Red River at 2.

¹² *Id.* at 3 and 5.