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PUBLIC UTILITY COMMISSION
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COMMISSIONER MEMORANDUM

MEETING DATE: December 20, 2018

DATE DELIVERED: December 19, 2018

AGENDA ITEM NO.: 41

CAPTION: Docket No. 46923; SOAH Docket No. 473-17-5770.WS - Application of Wolfe Air Park Civic Club, Inc. to Obtain a Water Certificate of Convenience and Necessity in Brazoria County

ACTION REQUESTED: Discussion and possible action with respect to Chairman Walker's memo.

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Governor

Public Utility Commission of Texas

TO: Chairman DeAnn T. Walker
Commissioner Arthur C. D'Andrea
Commissioner Shelly Botkin

All Parties of Record (*via electronic transmission*)

FROM: John Kramer *PK*
Commission Advising

RE: *Application of Wolfe Air Park Civic Club, Inc. to Obtain a Certificate of Convenience and Necessity in Brazoria County*, Docket No. 46923, December 20, 2018 Open Meeting, Item No. 41

DATE: December 19, 2018

Please find enclosed a memorandum by Chairman Walker regarding the above-referenced docket. No other commissioner will file a memorandum in this docket.

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Public Utility Commission of Texas

Memorandum

TO: Commissioner Arthur C. D'Andrea
Commissioner Shelly Botkin

FROM: Chairman DeAnn T. Walker 

DATE: December 19, 2018

RE: Open Meeting of December 20, 2018 – Agenda Item No. 41
Docket No. 46923 - *Application of Wolfe Air Park Civic Club, Inc. to Obtain a Certificate of Convenience and Necessity in Brazoria County*

I do not believe that the Commission should adopt the proposal for decision at this time because Wolfe Air Park Civic Club, Inc. has not filed a completed application for a water certificate of convenience and necessity (CCN). Under Texas Administrative Code § 24.25(b)(1)(A)(i), all applicants for a water CCN must file a proposed tariff with the Commission. The rule provides that “the tariff shall contain schedules of all the utility’s rates, tolls, charges, rules, and regulations pertaining to all of its utility service(s) when it applies for a CCN to operate as a utility.” The rule further states that “[t]he tariff must be on the form prescribed by the commission or another form acceptable to the commission.”

Wolfe Air Park failed to include a proposed tariff in either the original application or any supplemental information in support of the application. While Wolfe Air Park did indicate in the supplemental information the rates it proposed to charge the customers, it did not do so in the tariff form prescribed by the Commission.

Therefore, I propose that the Commission remand this matter to docket management for the purpose of allowing Wolfe Air Park an opportunity to complete its application by filing a proposed tariff with the Commission. If the proposed tariff is filed, then the Commission can again consider the proposal for decision.

I look forward to discussing this matter with you at the open meeting.