



Control Number: 46955



Item Number: 14

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CITY OF STAR HARBOR §  
RATEPAYERS' APPEAL OF THE §  
DECISION BY THE CITY OF §  
MALAKOFF TO CHANGE RATES §

PUBLIC UTILITY COMMISSION  
OF TEXAS

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**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Recommendation on Administrative Completeness. In support thereof, Staff shows the following:

**I. BACKGROUND**

On March 16, 2017, ratepayers in the City of Star Harbor (Ratepayers) filed a petition appealing the decision of the City of Malakoff (Malakoff) to increase wastewater rates effective January 1, 2017. The appeal was filed pursuant to Tex. Water Code § 13.043(b) (TAC). On April 19, 2017, the Administrative Law Judge (ALJ) issued Order No.2, which required Staff to file comments on the administrative completeness of the petition by May 31, 2017. Therefore, this pleading is timely filed.

**II. COMMENTS ON ADMINISTRATIVE COMPLETENESS**

Pursuant to TWC § 13.043(b)(3), ratepayers may appeal the decision of the governing body of a "municipally owned utility, if the ratepayers reside outside the corporate limits of the municipality." Under TWC § 13.043(c), ratepayers must initiate their appeal "within 90 days after the effective day of the rate change." The rate change was effective January 1, 2017, and the petition was filed on March 16, 2017. Therefore, the ratepayers timely filed the appeal within the required 90-day period. TWC § 13.043(c) additionally requires that the "petition must be signed by the lesser of 10,000 or 10 percent of those ratepayers whose rates have been changed and who are eligible to appeal under Subsection (b)." In this case, there are 326 connections in

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the City of Star Harbor.<sup>1</sup> Thus, the petition must have at least 33 signatures to warrant a referral for a hearing.<sup>2</sup> Here, the petition met this requirement by including 109 legible signatures.

Staff recommends that the petition be deemed administratively complete.

### **III. CONCLUSION**

For the reasons stated above, Staff respectfully requests the entry of an order consistent with the above recommendation.

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<sup>1</sup> Ratepayers' Response to Staff's First RFI at 28.

<sup>2</sup> 10% of 326 is 32.6, which rounds up to 33.

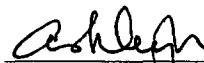
**DATED:** May 31, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney

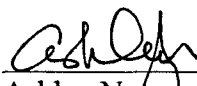


Ashley Nwonuma  
State Bar No. 24096650  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7163  
(512) 936-7268 (facsimile)  
ashley.nwonuma@puc.texas.gov

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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 31<sup>st</sup> of May, 2017, in accordance with 16 TAC § 22.74.



Ashley Nwonuma