



Control Number: 46955



Item Number: 26

Addendum StartPage: 0

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OPEN MEETING COVER SHEET

COMMISSIONER MEMORANDUM

MEETING DATE: March 29, 2018

DATE DELIVERED: March 28, 2018

AGENDA ITEM NO.: 20

CAPTION: Docket No. 46955; *City of Star Harbor Ratepayers' Appeal of the Decision by the City of Malakoff to Change Rates*

ACTION REQUESTED: Memorandum from Commissioner D'Andrea

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Public Utility Commission of Texas

Memorandum

TO: Chairman DeAnn T. Walker
Commissioner Brandy Marty Marquez

FROM: Commissioner Arthur C. D'Andrea AD

DATE: March 28, 2018

RE: Open Meeting of March 29, 2018 – Agenda Item No. 20
Docket No. 46955, *City of Star Harbor Ratepayers' Appeal of the Decision by the City of Malakoff to Change Rates*

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I recommend that the Commission make the following modifications to the proposed order:

- a) On page three of the proposed order, delete one of the first two sentences of paragraph one as duplicative. The last sentence of paragraph one should be moved to the end of paragraph two. In the first line of paragraph two, the citation to the Texas Administrative Code should now read: 16 Texas Administrative Code § 22.181(d)(1) and (8).
- b) Finding of fact 11 should be modified as follows to clarify that Malakoff receives payments from Star Harbor on a monthly basis.
 11. The contract expired on May 7, 2016, but Malakoff continues to treat Star Harbor's sewage, bill Star Harbor on a monthly basis, and receive payments from Star Harbor on a monthly basis.
- c) A finding of fact 14A should be added to add support to the conclusion that the Star Harbor ratepayers are not Malakoff ratepayers.
 - 14A. Malakoff does not read meters for, directly bill, or receive payments directly from the Star Harbor ratepayers.

In addition, I would delegate to Commission Advising and Docket Management staff the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

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