

Control Number: 47110



Item Number: 7

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RATEPAYERS' APPEAL OF THE
DECISION BY THE CITY OF
CANADIAN TO CHANGE RATES

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PUBLIC UTILITY COMMISSION
OF TEXAS

2017 JUNE 12 AM 10:17
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND MOTION FOR DISMISSAL**

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

I. BACKGROUND

On April 28, 2017, ratepayers (Ratepayers) of the City of Canadian that reside outside the City, filed a petition appealing the decision of the City of Canadian to increase water and sewer rates effective June 19, 2017.

On May 31, 2017, the Administrative Law Judge (ALJ) issued Order No. 2 requiring the City of Canadian and Staff to file comments by June 12, 2017 on the administrative completeness of the petition, how the petition should be filed, and propose a procedural schedule. Therefore, this pleading is timely filed.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS

On May 22, 2017, the City of Canadian filed a Response to the Ratepayers' petition. In the Response, the City included an affidavit verifying that the rate increase was repealed by the City Council on May 19, 2017.¹ Thus, because the rate increase wasn't due to go into effect until June 19, 2017, and because the rate increase has now been repealed, the matter is moot. As supported by the attached memorandum of Sean Scaff of the Water Utilities Division, there is no recommendation to be made because the rate increase has been repealed by the City. Rather than finding the application incomplete, Staff recommends that the petition be dismissed pursuant to 16 Tex. Admin. Code § 22.181(d)(2) (TAC).

¹ City of Canadian's Response at 5.

7.

III. CONCLUSION

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

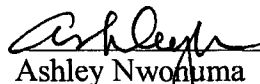
DATED: June 12, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

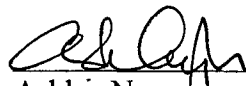
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DOCKET NO. 47110

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 12th of June, 2017 in accordance with. 16 TAC § 22.74.


Ashley Nwonuma

PUC Interoffice Memorandum

To: Ashley Nwonuma, Attorney
Legal Division

Through: Tammy Benter, Director
Water Utilities Division

From: Sean Scaff, Engineering Specialist
Fred Bednarski, Financial Analyst
Water Utilities Division

Date: June 8, 2017

Subject: *Docket No. 47110: Ratepayers' Appeal of the Decision by the City of Canadian to Change Rates*

On April 28, 2017, outside-of-city-ratepayers (Ratepayers) of the City of Canadian filed a petition with the Public Utility Commission of Texas (Commission) appealing the decision of the City of Canadian Water and Sewer System to increase water and sewer rates.

On May 22, 2017, the City of Canadian filed a response to the petition that included the notice to the Ratepayers notifying them of the rate increase. The notice stated that the increase of rates would be effective June 19, 2017. The City of Canadian's response also included an affidavit verifying that the rate increase was repealed by the City Council on May 19, 2017. Tex. Water Code § 13.043(c) (TWC) states that an appeal under Subsection (b) must be initiated by filing a petition with the commission and the entity providing the service within 90 days after the effective date of the rate change. In this case, because the City passed an ordinance to repeal their decision to change the rates, and because the rates never went into effect, there is essentially nothing to review and no recommendation can be made.

PUC Interoffice Memorandum

To: Ashley Nwonuma, Attorney
Legal Division

Through: Tammy Benter, Director
Water Utilities Division

From: Sean Scaff, Engineering Specialist
Fred Bednarski, Financial Analyst
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