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**Kenneth W. Anderson, Jr.**  
Commissioner

**Brandy Marty Marquez**  
Commissioner

**Brian H. Lloyd**  
Executive Director




**Greg Abbott**  
Governor

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***Public Utility Commission of Texas***

TO: Kenneth W. Anderson, Jr., Commissioner  
Brandy Marty Marquez, Commissioner

All Parties of Record

FROM: Susan E. Goodson   
Administrative Law Judge

RE: **Open Meeting of August 31, 2017**  
**Docket No. 47110 – Ratepayers' Appeal of the Decision by the City of Canadian to Change Rates**

DATE: July 27, 2017

Enclosed is a copy of the Proposed Order in the above-referenced docket. The Commission will consider this docket at an open meeting presently scheduled to begin at 9:30 a.m. on Thursday, August 31, 2017, at the Commission's offices, 1701 North Congress Avenue, Austin, Texas. The parties shall file corrections or exceptions to the Proposed Order on or before Wednesday, August 23, 2017.

**If there are no corrections or exceptions, no response is necessary.**

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**DOCKET NO. 47110**

<b>RATEPAYERS' APPEAL OF THE</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DECISION BY THE CITY OF</b>	<b>§</b>	
<b>CANADIAN TO CHANGE RATES</b>	<b>§</b>	<b>OF TEXAS</b>

**PROPOSED ORDER**

This Order addresses the ratepayer appeal of the City of Canadian's decision to increase water and sewer rates. Commission Staff recommended dismissal. The petition is dismissed.

The Commission adopts the following findings of fact and conclusions of law:

**I. Findings of Fact**

1. On April 28, 2017, ratepayers of Canadian that reside outside the city limits of Canadian filed a petition appealing the decision of the City to increase water and sewer rates, effective June 19, 2017.
2. On May 1, 2017, the Commission issued Order No. 1, requiring responses and addressing procedural matters.
3. On May 22, 2017, Canadian responded to the petition, arguing that the appeal was premature because the rate increases would not become effective until June 19, 2017. In addition however, the City argued that the appeal is moot because the increased water and sewer rates were repealed at a specially called City council meeting held on May 19, 2017.
4. On May 30, 2017, Commission Staff requested additional time to complete discovery and file a recommendation regarding the petition.
5. On May 31, 2017, the Commission issued Order No. 2, granting Commission Staff's request.
6. On June 12, 2017, Commission Staff declined to provide a recommendation regarding administrative completeness of the petition, and instead moved to dismiss the petition as moot, because the rate increase being appealed had been repealed by the City.
7. On July 5, 2017, the Commission issued Order No. 3, requiring ratepayers to reply to Commission Staff's recommendation, including why the proceeding should not be

dismissed, and alternatively, noting that ratepayers could request that the petition be dismissed.

8. Ratepayers did not file a reply to Order No. 3.

## **II. Conclusion of Law**

1. Canadian is a municipally-owned utility as defined in Texas Water Code § 13.002(13) (TWC).<sup>1</sup>
2. Ratepayers of a municipally-owned utility residing outside the corporate limits of that municipality may appeal a decision affecting their water and sewer rates to the Commission under TWC § 13.043(b).
3. The Commission exercised jurisdiction over ratepayers' appeal in accordance with TWC § 13.043(b)(3).
4. This docket was processed in accordance with the requirements of the TWC and Commission rules.
5. Dismissal of the appeal is proper under 16 TAC § 22.181(d)(2) because ratepayers' appeal is moot.
6. The notice requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

## **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. Ratepayers' appeal is dismissed without prejudice.
2. All other motions, requests for entry of specific finds of fact and conclusions of law, and any other request for general or specific relief, if not expressly granted herein, are denied.

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<sup>1</sup> Tex. Water Code Ann. § 13.002(13) (West 2008 and Supp. 2016) (TWC).

Signed at Austin, Texas the \_\_\_\_\_ day of August 2017.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**KENNETH W. ANDERSON, JR., COMMISSIONER**

\_\_\_\_\_  
**BRANDY MARTY MARQUEZ, COMMISSIONER**

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