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**PUC DOCKET NO. 47161  
SOAH DOCKET NO. 473-18-1228.WS**



<b>APPLICATION OF KERR COUNTY WATER SYSTEMS, LLC FOR AUTHORITY TO CHANGE RATES</b>	§ § §	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**ORDER NO. 7  
DENYING MOTION TO ADMIT NEW EVIDENCE**

In Order No. 6 filed on July 23, 2020, the administrative law judge (ALJ) concluded that the existing evidentiary record in this proceeding was confusing and contradictory and ordered the parties to move for admission of a complete set of new evidence in order to avoid the confusion created by the existing record.

On August 13, 2020, Commission Staff and Kerr County Water Systems, LLC filed, among other things, a joint motion to admit evidence. Because the motion is unclear, it is denied. The motion requests the admission of, among other things, “Attachment A” and “Attachment B” to the amended unanimous stipulation and agreement filed on August 13, 2020. There are no attachments labeled as Attachment A or Attachment B. There are, however, attachments clearly labeled as Attachments C and D. From the text of the amended agreement, it can be discerned that Attachment A refers to the tariff that is attached. However, the amended agreement describes Attachment B as “the calculations of accounts and the revenue requirement.” It is unclear what this is referring to. Included with the August 13, 2020 filing are memos from Debi Loockerman, Heidi Graham, and Jolie Mathis, a “Schedule 1,” a “Schedule 2,” an “Attachment B – Schedule in Support of Debi Loockerman’s Memorandum,” “Staff Schedules” I through V, and an “Attachment INT-X.”

Moreover, the documents that the parties apparently wish to have admitted as evidence continue to raise more questions than they resolve, and address matters that are no longer relevant. For example, the August 13, 2020, memorandum of Debi Loockerman:

- repeatedly references a “Revised Attachment LG-1,” but no such schedule is attached to her memo or otherwise found in the record;
- continues to address questions raised by the Commission in July 2019 related to a settlement agreement that is no longer in effect; and

- continues to ask that the Commission approve “the stipulation [referring to the no-longer-in-effect January 16, 2019 agreement] as amended by this memorandum.”

As best the ALJ can determine, the Commission Staff memos do not appear to have been updated to reflect the reality that the January 16, 2019 agreement between the parties is no longer in effect. For example, Ms. Loockerman’s memo states, “the [agreement] includes a revenue requirement of \$71,624.” That was an accurate statement with respect to the January 16, 2019 agreement. That agreement, however, has been replaced by an August 13, 2020 agreement that expressly states, “The Signatories agree that the stipulated rates are consistent with an overall revenue requirement of \$72,942.” The ALJ does not understand why Commission Staff memos in support of an agreement that is no longer in effect are relevant or probative.

Similar infirmities appear to exist with the memos of Heidi Graham and Jolie Mathis. For example, Ms. Graham’s memo states, “The results of the trending study are in the table below.” But it does not appear that such a table is provided below.

For these reasons, the motion to admit evidence is denied. By September 30, 2020, the parties must again attempt to move for admission of a complete, clearly identified, and relevant set of exhibits to support issuance of a final order in this matter.

**Signed at Austin, Texas the 9th day of September 2020.**

PUBLIC UTILITY COMMISSION OF TEXAS

  
HUNTER BURKHALTER  
CHIEF ADMINISTRATIVE LAW JUDGE