



Control Number: 47273



Item Number: 17

Addendum StartPage: 0

DOCKET NO. 47273

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APPLICATION OF QUADVEST, L.P.  
FOR TEMPORARY RATES FOR  
SERVICES PROVIDED FOR A  
NONFUNCTIONAL UTILITY

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PUBLIC UTILITY COMMISSION  
OF TEXAS

COMMISSION  
FILING CLERK

**MOTION FOR ADOPTION OF THE PARTIES' PROPOSED ORDER AND TO ADMIT EVIDENCE**

NOW COMES, Quadvest LP in its capacity as Temporary Manager ("Quadvest" or "Company"), and files this Motion for Adoption of the Proposed Order and Motion to Admit Evidence ("Motion"). On August 10, 2017, the Commission issued a Proposed Order in this matter. Subsequent to the issuance of the Proposed Order, the parties reached a settlement agreement that altered Quadvest's initial request. Therefore, the parties file this Motion to request that the Proposed Order be modified in accordance with the attached settlement agreement and be placed on the August 31<sup>st</sup> open meeting for Commission consideration..

**I. BACKGROUND**

1. On March 27, 2017, the Texas Commission on Environmental Quality's (TCEQ) Executive Director (ED) issued an emergency order appointing Quadvest the temporary manager of Suburban Utility Company for a 180-day period, to end no later than September 23, 2107.<sup>1</sup>
2. On May 24, 2017, TCEQ affirmed the ED's order, with modifications to correct minor clerical errors.<sup>2</sup>
3. On July 9, 2017, Quadvest, as the temporary manager of Suburban, filed an application for temporary rates for services provided for a non-functional utility, in accordance with Texas Water Code § 13.046 (TWC) and 16 Texas Administrative Code § 24.147 (TAC).

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<sup>1</sup> *In the Matter of an Enforcement Action Against Suburban Utility Co.*, TCEQ Docket No. 2017-0392-UCR-E, Emergency Order Appointing a Temporary Manager of a Water Utility at 8 (March 27, 2017).

<sup>2</sup> *In the Matter of an Enforcement Action Against Suburban Utility Co.*, TCEQ Docket No. 2017-0392-UCR-E, Order Affirming, with Modifications, an Emergency Order granted by the Executive Director Appointing Quadvest L.P. as Temporary manager of Four Utilities owned by Suburban Utility Co. at 1-2 (May 30, 2017).

4. On July 11, 2017, Order No. 3 deemed the Application for temporary rates complete and sufficient;
5. Commission Staff filed a Recommendation on Final Disposition on August 1, 2017; and
6. On August 10, 2017, the Commission issued a Proposed Order.

## **II. MOTION FOR ADOPTION OF THE PARTIES' PROPOSED ORDER**

The parties note that a proposed order has been issued by the Administrative Law Judge for consideration at the August 31, 2017 open meeting.<sup>3</sup> The deadline for parties to file corrections to the Administrative Law Judge's proposed order is August 23, 2017.<sup>4</sup> The parties respectfully request that the Commission adopt a proposed order consistent with the parties' agreed proposed order, which implements the parties' stipulated agreements.

The parties also note that the Commission's rules require that the Commission enter an order on the reasonableness of the proposed rates within 90-days of the provision of notice in this proceeding.<sup>5</sup> That 90-day deadline falls on September 7, 2017, and the last open meeting that is currently scheduled prior to that deadline is the August 31, 2017.

## **III. MOTION TO ADMIT EVIDENCE**

Quadvest requests that the following evidence be admitted into the record for the purpose of supporting the Commission's final order in this proceeding:

- (a) Application of Quadvest L.P. for Temporary Rates;
- (b) Quadvest's Response to Commission Staff's First RFIs filed on July 31, 2017;
- (c) Commission Staff's Recommendation on Final Disposition filed on August 1, 2017;
- (d) Stipulation and Settlement Agreement with Agreed Tariffs and Joint Proposed Final Order; and
- (e) Staff's Memorandum in Support of Stipulation and Settlement Agreement

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<sup>3</sup> Proposed Order (Aug. 10, 2017).

<sup>4</sup> *Id.*

<sup>5</sup> 16 TAC § 24.147(c).

FOR THESE REASONS, Quadvest respectfully requests that the Commission grant this motion to admit evidence and further grant all other relief, legal and equitable, to which it is justly entitled.

Respectfully submitted,

By: *Tammy Shea*  
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**ATTORNEY FOR QUADVEST, L.P. AS  
TEMPORARY MANAGER**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy the foregoing motion was served on all parties of record in this proceeding on this the 18<sup>th</sup> day of August, 2017, by facsimile, electronic mail, U.S. first-class mail, postage prepaid, or by hand delivery.

*Tammy Shea*  
Tammy Wavle-Shea *by permission dep*