



Control Number: 47662



Item Number: 5

Addendum StartPage: 0

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<b>PETITION OF TEXAS PARKS &amp; WILDLIFE DEPARTMENT TO APPEAL A DECISION BY THE CITY OF GOLIAD TO CHANGE WATER AND SEWER RATES</b>	§ § § §	<b>PUBLIC UTILITY COMMISSION</b> 2017 NOV -2 AM 11:43 <b>OFFICE OF THE PUBLIC UTILITY COMMISSION</b> FILING CLERK
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### COMMISSION STAFF'S ADMINISTRATIVE COMPLETENESS RECOMMENDATION

**COMES NOW** the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 1, Staff's Administrative Completeness Recommendation. Staff recommends that the petition be found sufficient and that the case be referred to the State Office of Administrative Hearings (SOAH) for a hearing on the merits. In support thereof, Staff shows the following:

#### I. BACKGROUND

On October 2, 2017, Texas Parks & Wildlife Department (TPWD) filed a petition with the Commission appealing the change in water and wastewater rates by the City of Goliad (Goliad), effective August 2017. This appeal is governed by Tex. Water Code § 13.043 (TWC) and 16 Tex. Admin. Code §§ 24.41 & 24.42 (TAC).

On October 3, 2017, the Commission Administrative Law Judge (ALJ) issued Order No. 1, requiring Staff to file a recommendation on the administrative completeness of TPWD's petition by November 2, 2017. Therefore, this pleading is timely filed.

#### II. ADMINISTRATIVE COMPLETENESS RECOMMENDATION

Pursuant to TWC § 13.043(c), an appeal by ratepayers of a municipally owned utility's rates must be filed within 90 days after the effective date of the rate change. Here, the effective date of the Goliad rate change is August 2017 and the appeal petition was filed on October 2, 2017. Furthermore, TWC §§ 13.043(c) and (d) and 16 TAC § 24.42 specify the information required to be included in the petition, including the requirement that the petition must be signed by the lesser of either 10,000 or 10% of those ratepayers whose rates have been changed and are eligible to appeal. As indicated in the attached memorandum of Sean Scaff of the Commission's Water Utilities Division, Staff has confirmed that the petition includes the information required

5

by TWC §§ 13.043(c) and (d) and 16 TAC § 24.42. Therefore, Staff recommends that TPWD's petition is sufficient and that it be found administratively complete.

### **III. REFERRAL RECOMMENDATION & PROCEDURAL SCHEDULE**

Because TPWD's petition meets the threshold established in TWC § 13.043(c) of 10% of ratepayers eligible to appeal, Staff recommends that this proceeding be referred to SOAH for a hearing on the merits. Accordingly, Staff does not propose a procedural schedule at this time. Should the Commission refer this proceeding to SOAH, Staff anticipates working with the parties to reach an agreed-upon procedural schedule prior to a prehearing conference.

### **IV. CONCLUSION**

For the reasons stated above, Staff respectfully recommends that the petition be found administratively complete and that the petition be referred to SOAH for a hearing on the merits.

Dated: November 2, 2017

Respectfully Submitted,

#### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

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**DOCKET NO. 47622**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on November 2, 2017, in accordance with 16 TAC § 22.74.

  
Rachelle N. Robles

**Public Utility Commission of Texas**

Memorandum

**TO:** Rachelle Robles, Attorney  
Legal Division

**THRU:** Tammy Benter, Director  
Water Utilities Division

**FROM:** Sean Scaff, Engineering Specialist  
Janie Kohl, Financial Analyst  
Water Utilities Division

**SUBJECT:** **Docket No. 47662:** *Petition of Texas Parks and Wildlife to Appeal a decision by the City of Goliad to change water and sewer rates.*

On October 2, 2017, Texas Parks & Wildlife Department (TPWD) filed a petition appealing the decision by the City of Goliad to increase water and wastewater rates for the Goliad State Park and Historic Site, which TPWD owns and manages. Goliad State Park is a customer of the City of Goliad but is located outside the corporate limits of the City. This petition is being reviewed under Texas Water Code (TWC) §§ 13.043.

According to a public information request filed by the legal representative from TPWD, the City of Goliad currently has seven (7) outside of City customers. In order for a review to be initiated under TWC §§ 13.043, protests must be received from a total of 10% of the affected ratepayers. The petition must at least one (1) signature to warrant a referral to hearing. The petition included the required number, and thus meets the 10% rule.

The review up to this point is limited to the sufficiency of the petition with regard to TWC §§ 13.043, and is not a determination as to whether or not specific elements included in the petition, or the resulting rates, are reasonable and necessary. Staff requests that the petition referenced above is transferred to the State Office of Administrative Hearings (SOAH) and request that a hearing be scheduled.