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PUC DOCKET NO. 47680  
SOAH DOCKET NO. 473-18-1906.WS

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PUBLIC UTILITY COMMISSION  
FILING CLERK

APPLICATION OF BOLIVAR § PUBLIC UTILITY COMMISSION  
UTILITY SERVICES, LLC FOR §  
AUTHORITY TO CHANGE SEWER § OF TEXAS  
RATES §

**COMMISSION STAFF'S PROPOSED LIST OF ISSUES**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Proposed List of Issues in response to the Order of Referral. In support thereof, Staff shows the following:

**I. BACKGROUND**

On October 9, 2017, Bolivar Utility Services, LLC (Bolivar) applied for a Class B rate/tariff change for sewer Certificate of Convenience and Necessity (CCN) No. 21026 in Galveston County, Texas. The proposed increase had an effective date of December 1, 2017.

On November 9, 2017, the Commission issued Order No. 2, whereby Bolivar's application was deemed administratively incomplete and the proposed effective date was suspended until such time as the application be deemed administratively complete.

On January 11, 2018, Staff filed its Supplemental Recommendation on Administrative Completeness and Suspension of Rates and Request for Referral to the State Office of Administrative Hearings and recommended that the application be found administratively complete and accepted for filing. Additionally, Staff recommended that the matter be referred to the State Office of Administrative Hearings (SOAH) for an evidentiary hearing based on: (1) Staff's receipt of protests from more than ten percent (10%) of affected ratepayers;<sup>1</sup> and (2) the Commission's own motion in the public interest.<sup>2</sup> Finally, Staff recommended that Bolivar's proposed rates remain suspended until the earlier of the date established under 16 TAC § 24.26(a)(2) or the issuance of an order setting interim or final rates.

<sup>1</sup> Tex. Water Code Ann. § 13.1871(i) (TWC); 16 Tex. Admin Code (TAC) § 24.28(c)(2).

<sup>2</sup> TWC § 13.1871(k); 16 TAC § 24.28(c)(1).

(21)

On January 22, 2018, the Commission issued Order No. 3, whereby Bolivar's application was deemed administratively complete and was accepted for filing. Order No. 3 also effectively suspended the effective date of the rate increase under 16 TAC § 24.26(a)(2).

Commission's Order of Referral, also issued on January 22, 2018, referred this docket to SOAH. The Order of Referral allowed Staff to file a list of issues to be addressed in the docket by February 2, 2018. Therefore, this pleading is timely filed.

## **II. PROPOSED LIST OF ISSUES**

Staff recommends that the Commission adopt the list of issues contained in the Preliminary Order for a previous rate change case, *Application of Kerr County Water Systems, LLC for Authority to Change Rates*, Docket No. 47161, Preliminary Order (Jan. 11, 2018). Staff notes that Bolivar's application seeks a sewer rate change, whereas the applicant in the cited case sought a water rate change. Therefore, Staff proposes minor modifications to the adopted list of issues in the cited Preliminary Order, specifically Issue Nos. 11 and 16, wherein the term "water" be replaced with "wastewater." Staff requests no further additions or modifications.

## **III. ISSUES NOT TO BE ADDRESSED**

Staff has not identified any issues not to be addressed.

## **IV. CONCLUSION**

Staff respectfully requests that its list of issues be among the issues considered by the Commission in this proceeding.

**DATED:** January 31, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on January 31, 2018, in accordance with 16 TAC § 22.74.



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Richard A. Nemer