



Control Number: 47805



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**DOCKET NO. 47805**

2018 JUN 11 AM 9:44

**RATEPAYERS' APPEAL OF THE  
DECISION BY RAYWOOD WATER  
SUPPLY CORPORATION TO CHANGE  
RATES**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S REURGED MOTION TO DISMISS**

COMES NOW the Staff ("Staff") of the Public Utility Commission of Texas ("Commission"), representing the public interest, and files this reurged Motion to Dismiss .

**I. Background**

On December 27, 2017, Raywood Water Supply Corporation (Raywood WSC) filed response to Staff's First Request for Information (RFI) contesting membership of certain signatories of the Petition. On December 27, 2017, Staff served a request for information on the Petitioners requesting verification that the disputed signatories are in fact members of Raywood WSC. Petitioners have been unable to provide this evidence. Instead, Petitioners sent Staff the attached e-mail stating that they wish to suspend their case.

On February 15, 2018, Staff moved to dismiss the present case. No party has responded to Staff's request for dismissal. The Commission has not ruled on Staff's motion.

**II. Grounds for Dismissal**

To appeal the rate increase of a water supply corporation such as Raywood WSC, one must present a petition signed by 10 percent of the rate payers affected by the increase.<sup>1</sup> Raywood WSC has 519 customers; therefore, the Petitioner's needed 52 individual customers to sign their petition. At most, the petitioners have shown that they have only 50 signatures. Consequently, the petitioner's appeal is incurably incomplete.

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<sup>1</sup> Texas Water Code Ann. § 13.043(c) (West 2016) (TWC).

Under the Commission's rules, dismissal of a proceeding is appropriate when the Commission lacks jurisdiction.<sup>2</sup> The Commission only has appellate jurisdiction over the rate increases of water supply corporations when the requisite number of signatures accompany the petition.<sup>3</sup> Consequently, the Commission does not have jurisdiction to hear this appeal, and it should be dismissed.

### **III. Conclusion**

Staff respectfully recommends that the Commission dismiss this case for the reasons stated above.

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<sup>2</sup> Tex. Admin. Code § 22.181(d)(1).

<sup>3</sup> TWC § 13.043(c) (West 2016).

Date: June 11, 2018

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Karen S. Hubbard  
Managing Attorney  
Legal Division



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**DOCKET NO. 47368**  
**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on June 11, 2018 in accordance with 16 TAC § 22.74.



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Landon J. Lill

**Lill, Landon**

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**From:** Herman Simien <xpohjs1@gmail.com>  
**Sent:** Monday, February 12, 2018 7:48 PM  
**To:** Lill, Landon  
**Subject:** Re: FW: 47805 - Raywood Appeal

**WARNING: EXTERNAL SENDER. Always be cautious when clicking links or opening attachments. NEVER provide your user ID or password.**

Hi Mr. Lill,

The Ratepayers Appeal of the Raywood Water Supply Corporation's June rate increase is suspended as of 02/12/2018. The road ahead will be difficult with no guarantee of success in reducing the cost of water supplied by RWSC. If anything more is needed from me, please let me know. Thanks, Herman J. Simien

On Wed, Feb 7, 2018 at 7:36 PM, Herman Simien <xpohjs1@gmail.com> wrote:

Mr. Lill,

I am sorry I missed your call. I had an afternoon dental appointment and failed to check my email when I got home. If we don't talk tonight, I will be at home tomorrow. Thanks, Herman Simien

On Wed, Feb 7, 2018 at 1:47 PM, Lill, Landon <Landon.Lill@puc.texas.gov> wrote:

Mr. Simien,

My name is Landon Lill and am the PUC Staff attorney handling your appeal. Would you mind giving me a call at your earliest convenience. I will be in the office today until 4:30 and will be available on my cell phone until 9pm tonight.

Thanks,

Landon J. Lill

Attorney - Legal Division

Public Utility Commission of Texas

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