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APPLICATION OF FOREST GLEN § PUBLIC UTILITY COMMISSION
UTILITY COMPANY FOR §
AUTHORITY TO CHANGE RATES § OF TEXAS

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 December 21, 2017, Forest Glen Utility Company (Forest Glen) applied for a Class B rate/tariff change for sewer Certificate of Convenience and Necessity (CCN) No. 21070 in Medina County, Texas. The proposed increase had an effective date of February 1, 2018.

On January 31, 2018, the Commission issued Order No. 2, whereby Forest Glen's application was deemed administratively incomplete and the proposed effective date was suspended until such time as the application be deemed administratively complete.

On March 22, 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;¹ and (2) the Commission's own motion in the public interest.² Finally, Staff recommended that Forest Glen'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.

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

² TWC § 13.1871(k); 16 TAC § 24.28(c)(1).

On March 27, 2018, the Commission issued Order No. 3, whereby Forest Glen'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, issued on April 3, 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 April 24, 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 recent sewer rate change case, *Application of Bolivar Utility Services, LLC for Authority to Change Sewer Rates*, Docket No. 47680, Preliminary Order (Feb. 15, 2018).

III. ISSUES NOT TO BE ADDRESSED

Staff has not identified any issues not to be addressed.

IV. CONCLUSION

Staff respectfully requests that the Commission enter a preliminary order adopting a list of issues consistent with the above recommendation.

DATED: April 18, 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 April 18, 2018, in accordance with 16 TAC § 22.74.



Richard A. Nemer