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APPLICATION OF FOREST GLEN § BEFORE THE STATE OFFICE
UTILITY COMPANY FOR § OF
AUTHORITY TO CHANGE RATES § ADMINISTRATIVE HEARINGS

FOREST GLEN UTILITY COMPANY'S CORRECTIONS TO PROPOSED ORDER

COMES NOW Forest Glen Utility Company (Forest Glen) and files these Corrections to the Public Utility Commission of Texas' (Commission) Proposed Order. In support thereof, Forest Glen would respectfully show the following:

I. BACKGROUND

On December 21, 2017, Forest Glen filed an application for authority to change rates under sewer certificate of convenience and necessity No. 21070 in Medina County, Texas which application was referred to the State Office of Administrative Hearings (SOAH) for an evidentiary hearing. After a prehearing conference, discovery and mediation, the Parties were able to reach an agreement, the Unopposed Stipulation and Settlement Agreement (Settlement Agreement). On November 26, 2018, the SOAH Administrative Law Judge (ALJ) admitted evidence and remanded this docket to the PUC for final disposition. On March 18, 2019, the Office of Policy & Docket Management issued a Proposed Order directing the parties to file any corrections or exceptions to the Order before April 2, 2019. Therefore, these corrections are timely filed.

II. PROPOSED CORRECTIONS

Forest Glen proposes the following corrections to the Proposed Order:

1. Correct the second to the last line of Finding of Fact No. 19 to reflect a grammatical change:

“ . . .until the Commission ~~finds~~ found the application administratively complete.”
2. Correct Finding of Fact No. 27 to reflect that the prehearing conference was actually held on May 18, 2018, not on May 21, 2018:

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“On May ~~21~~ 18, 2018, the SOAH ALJ convened a prehearing conference and entered appearances by Forest Glen, Commission Staff, Fleming Mitchell, Van Johnson, Dennis Brown, and Cecil Perkins.”

3. Correct Finding of Fact No. 60 to reflect that Fleming Mitchell filed his own direct testimony and exhibits on August 9, 2018 and Forest Glen did not file Mr. Mitchell’s testimony:

“On August 9, 2018, ~~Forest Glen~~ Fleming Mitchell filed the direct testimony and exhibits of Fleming Mitchell.”

4. Correct Finding of Fact No. 83 to reflect that the accurate revenue requirement requested by Forest Glen as set forth on Schedule I-1 Revenue Requirement Summary, Line 36 in its revised application of 2/23/18 (as well as in Exhibit SAG-3, Bates No. FGU0609 appended to the Direct Testimony of Steven Greenberg filed on 7/18/18) was not \$267,262, but \$309,571. The Proposed Order cites from the 12/21/17 application which was later revised:

“Forest Glen’s application reflects a revenue requirement of ~~\$267,262~~ \$309,571.”

5. Note that Finding of Fact No. 91 relating to rate design duplicates verbatim the language in Finding of Fact No. 73 and is superfluous.

6. Correct Conclusion of Law No. 3 to reflect that Forest Glen, serving less than 500 customers, has at all times been a Class C utility:

“Forest Glen is a Class ~~B~~ C utility as defined in TWC § 13.002(4-c) and 16 TAC § 24.3(17).

7. Correct Conclusion of Law No. 8 by deleting it in its entirety. Finding of Fact No. 84 specifically states that, “[t]he parties to the settlement agreed that a revenue requirement or rate of return would **not** be determined in this docket. . .” (emphasis added). As there is no underlying finding of what amount of revenue requirement should be recovered in this case, a conclusion of law establishing a specific revenue requirement is not supported by the administrative record, is contrary to the settlement agreement, and should be removed:

~~"The revenue requirement set in this Order is \$209,820."~~

III. CONCLUSION

Forest Glen respectfully requests that the Commission adopt the corrections proposed above.

Helen S. Gilbert

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**ATTORNEYS FOR FOREST GLEN
UTILITY COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, or Certified Mail Return Receipt Requested on all parties on the 2nd of April 2019.

Helen S. Gilbert

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