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DOCKET NO. 47989

PETITION OF SITZ FAMILY  
INVESTMENTS LLC FOR  
MODIFICATION OF A TRUE-UP  
PROVISION APPROVED IN DOCKET  
NO. 44434

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PUBLIC UTILITY COMMISSION  
OF TEXAS

2018 MAY 11 11:56

ORDER

This Order addresses the Sitz Family Investments LLC (Sitz) request for extension of the true-up report deadline established in Docket No 44434.<sup>1</sup> Commission Staff recommended approval of the request. The Commission denies the petition.

The Commission adopts the following findings of fact and conclusions of law:

**I. Findings of Fact**

**Procedural History and Background**

1. On February 10, 2015, Sitz filed with the Commission an application to obtain a water certificate of convenience and necessity (CCN) in Matagorda County.
2. On May 13, 2016, the Commission approved the application, and Sitz was granted CCN No. 13238 to serve 47 lots in the Little River Ranch Subdivision.
3. Sitz was ordered to file a true-up report 18 months from the date of the issuance of the approval notice.
4. The initial base rates for a standard residential meter of 5/8" or 3/4" were set at \$40 and a gallonage charge of \$3.75 per 1,000 gallons after the first 2,999 gallons was approved.
5. On January 26, 2018, Sitz filed a petition requesting an additional 18 months to file the required true-up report.

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<sup>1</sup> *Application of Sitz Family Investments, LLC for Initial Rates for the Little River Ranch Water System and for a Certificate of Convenience and Necessity in Matagorda County*, Docket No. 44434, Notice of Approval (May 13, 2016).

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6. The request for extension indicated that only one house was nearing completion in the subdivision.
7. On February 20, 2018, Order No. 1 was issued requiring Commission Staff to file comments on the request and a procedural schedule by March 9, 2018.
8. On March 8, 2018, Commission Staff recommended that (a) Sitz should be granted an extension, (b) the new deadline should be 18 months after Sitz begins serving customers, and (c) Sitz should file proof of the date of the start of service and identify its new deadline with the Commission within 30 days of the start of service. Commission Staff also requested that evidence be admitted in support of the proposed order.
9. On March 14, 2018, Order No. 2 was issued admitting evidence into the record of this proceeding.

## **II. Conclusions of Law**

1. Sitz is a retail public utility as defined in Texas Water Code (TWC) § 13.002(19)<sup>2</sup> and 16 Texas Administrative Code (TAC) § 24.3(59).
2. Sitz is authorized to provide retail water utility service as defined in TWC § 13.002(20) and 16 TAC § 24.3(60).
3. The Commission has jurisdiction over the petition under TWC §§ 13.041, 13.182, and 13.183.
4. The requirements in 16 TAC § 22.35 have been met in this proceeding.
5. The rates set in Docket No. 44434 were granted under 16 TAC § 24.21(b).

## **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission denies the petition.

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<sup>2</sup> Tex. Water Code Ann. § 13.002(19) (West 2008 & Supp. 2017).

2. A rate application, including a true-up proceeding of the rates approved in Docket No. 44434, shall be filed 18 months after Sitz begins serving customers as described in 16 TAC § 24.21(b)(1)(C).
3. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the 11<sup>th</sup> day of May 2018.

PUBLIC UTILITY COMMISSION OF TEXAS

  
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DEANN T. WALKER, CHAIRMAN

  
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ARTHUR C. D'ANDREA, COMMISSIONER

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