



Control Number: 48099



Item Number: 3

Addendum StartPage: 0

DOCKET NO. 48099

**LESTER BROWN II'S APPEAL OF THE §
COST OF OBTAINING SERVICE FROM §
PAINT CREEK WATER SUPPLY §
CORPORATION §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**
2018 MAR 26 PM 2:46
PUBLIC UTILITY COMMISSION
CLERK

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Recommendation on Administrative Completeness. In support thereof, Staff shows the following:

I. BACKGROUND

On February 23, 2018, Lester Brown II filed a petition with the Public Utility Commission of Texas (Commission) appealing the decision of Paint Creek Water Supply Corporation (Paint Creek) for the cost of obtaining service. This appeal is governed by Tex. Water Code § 13.043(g) (TWC) and 16 Tex. Admin. Code § 24.41(g) (TAC). Mr. Brown stated that the total cost to obtain service from Paint Creek was \$102,000, which includes \$2000 for a feasibility study.

On February 28, 2018, the Administrative Law Judge (ALJ) issued Order No. 1, requiring Staff to file a recommendation on the administrative completeness of Mr. Brown's petition by March 26, 2018. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS RECOMMENDATION

Pursuant to TWC § 13.043(g) and 16 TAC § 24.41(g), an applicant for service from a water supply corporation may appeal to the Commission a decision of the water supply corporation affecting the amount to be paid to obtain service other than regular membership or tap fees. These provisions require that the appeal must be initiated within 90 days of the date written notice was provided by the water supply corporation to the applicant of the decision relating to the applicant's request for service.

Mr. Brown filed this petition using the Commission form for the "Appeal of the Cost of Obtaining Service from a Water Supply Corporation." Notice is not required for this petition.

While the parties may need to develop additional facts in this proceeding, Staff has reviewed the materials submitted and recommends that the petition be declared administratively complete for further processing on the merits pursuant to 16 TAC § 24.8.

III. PROCEDURAL PROCESS

Pursuant to the requirements of TWC § 13.043(g) and 16 TAC § 24.41(g), Staff will evaluate whether the amount that Mr. Brown paid to obtain service from Seaboard WSC was “consistent with the tariff of the water supply or sewer service corporation and is reasonably related to the cost of installing on-site and off-site facilities to provide service.”¹ To conduct its evaluation and develop the facts in this proceeding, Staff proposes the following procedural schedule:

Event	Date
Deadline for Staff to issue its final recommendation on the petition or to request a hearing	May 25, 2018
Deadline for parties to respond to Staff’s recommendation and/or to request a hearing, or if no hearing is requested, then the deadline to file a proposed order	June 8, 2018

IV. CONCLUSION

For the reasons stated above, Staff respectfully recommends that the application be deemed administratively complete and that the above proposed procedural schedule be adopted.

¹ Tex. Water Code § 13.043(g).

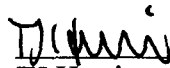
Dated: March 26, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney



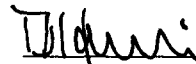
TJ Harris

Attorney – Legal Division
State Bar No. 24097804
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7216
(512) 936-7268 (facsimile)
TJ.Harris@puc.texas.gov

DOCKET NO. 48099

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 26, 2018 in accordance with 16 TAC § 22.74.



TJ Harris