

Control Number: 48312



Item Number: 3

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**DOCKET NO. 48312**

**APPLICATION OF WINTERHAVEN §  
HOMEOWNERS ASSOCIATION, §  
INC. FOR A PASS-THROUGH RATE §  
CHANGE §**

**PUBLIC UTILITY COMMISSION**

**OF TEXAS**

2018 MAY 25 AM 11:25  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation in response to a Notice Setting Deadline for Staff's Recommendation and would show the following:

**I. BACKGROUND**

On April 26, 2018, Winterhaven Homeowners Association, Inc. (Winterhaven) filed an application to implement a pass-through rate change for fees imposed on it by the North Harris County Regional Water Authority (NHCRWA). The NHCRWA charges a groundwater pumping fee for water pumped from wells. This fee increased from \$2.90 per 1,000 gallons to \$3.40 per 1,000 gallons, effective April 1, 2018.

On May 4, 2018, a Notice was issued establishing a deadline of May 25, 2018, for Staff to file a recommendation on Winterhaven's application and sufficiency of notice and propose a procedural schedule. This pleading is therefore timely filed.

**II. RECOMMENDATION**

As detailed in the attached memorandum from Kathryn Eiland in the Commission's Water Utility Regulation Division, Staff has reviewed Winterhaven's application and notice and recommends that both be deemed sufficient. Staff's review also indicates that the application and notice meet the requirements of 16 Texas Administrative Code (TAC) § 24.21 and demonstrate that Winterhaven has satisfied the requirements of 16 TAC § 24.21. Staff therefore recommends that Winterhaven's application be approved and that the attached tariff pages be provided to Winterhaven. Staff notes that Winterhaven also requested that the mailing address on its tariff be updated. The attached tariff pages contain the updated address requested by Winterhaven.

### **III. CONCLUSION**

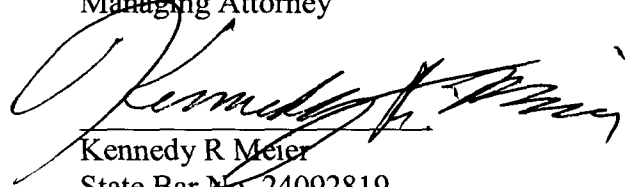
For the reasons detailed above, Staff recommends that Winterhaven's application and notice be deemed sufficient, that Winterhaven's application be approved, and that Winterhaven be provided a copy of the attached tariff sheets.

Respectfully Submitted,

#### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney

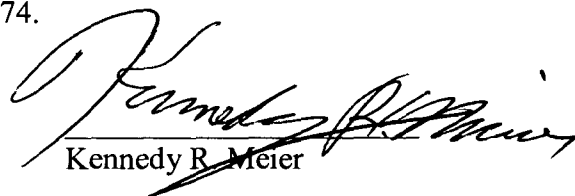


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#### **CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 25<sup>th</sup> of May, 2018 in accordance with 16 TAC § 22.74.



Kennedy R. Meier

## PUC Interoffice Memorandum

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**To:** Kennedy Meier, Attorney  
Legal Division

**Thru:** Debi Loockerman, Financial Manager  
Water Utility Regulation

**From:** Kathryn Eiland, Financial Analyst  
Water Utility Regulation

**Date:** May 25, 2018

**Subject:** **Tariff Control No. 48312;** *Application of Winterhaven Homeowners Association, Inc. for a Pass-Through Rate Change*

On April 26, 2018, Winterhaven Homeowners Association, Inc. (Applicant), Certificate of Convenience and Necessity (CCN) No. 12648 filed an application to implement a pass-through rate change pursuant to 16 Texas Administrative Code (TAC) § 24.21. The pass-through adjustment is for an increase in the water use fee billed by North Harris County Regional Water Authority (NHCRWA) to \$3.40 per 1,000 gallons effective April 1, 2018. The Applicant proposes charging only the exact fee charged by NHCRWA of \$3.40 per 1,000 gallons with no line loss. The current, approved tariff contains a \$25 flat fee per connection and the pass-through rate of \$2.90 only.

The Applicant requests a NHCRWA pass-through rate change from \$2.90 to \$3.40 per 1,000 gallons of groundwater pumped for the Winterhaven subdivision. The Applicant provided the following:

1. Documentation substantiating the NHCRWA fees of \$3.40 per 1,000 gallons;
2. Copies of two notices to customers, one including the pass through provision for the tariff, and one indicating the increase from \$2.90 to charge \$3.40 per 1,000 gallons for the increase in NHCRWA fees; and
3. Copy of the pages of its tariff that contain the rate that will change

The application did not identify the public water system (PWS) name and corresponding number issued by Texas Commission on Environmental Quality (TCEQ), however, the TCEQ Drinking Water Watch website indicates that the water system for Winterhaven Subdivision has PWS No. 1012015 in Harris County.

Staff recommends that the Commission deem the application sufficient for filing, approve the attached tariff, pass-through rates, and the pass-through provision as requested.



## **WATER UTILITY TARIFF**

### **Tariff Control No.: 48312**

Winterhaven Homeowners Association, Inc.  
(Utility Name)

15403 Kenny Drive  
(Business Address)

Tomball, Texas 77377  
(City, State, Zip Code)

(832) 868-6963  
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

12648

This tariff is effective in the following county:

Harris

This tariff is effective in the following cities or unincorporated towns (if any):

None

This tariff is effective in the following subdivisions or public water systems:

Winterhaven (PWS #1012015)

#### **TABLE OF CONTENTS**

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

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APPENDIX A -- DROUGHT CONTINGENCY PLAN  
APPENDIX B -- SAMPLE SERVICE AGREEMENT  
APPENDIX C -- APPLICATION FOR SERVICE

## SECTION 1.0 -- RATE SCHEDULE

### Section 1.01 – Rates

Monthly Minimum Charge: \$25.00 per connection

***Plus Pass-through charges:***

North Harris County Regional Water Authority (NHCRWA) Pumpage Fee ...\$3.40 per 1,000 gallons  
***(Tariff Control No. 48312)***

FORM OF PAYMENT: The utility will accept the following form(s) of payment:

Cash X, Check X, Money Order X, Credit Card     , Other (specify)     

THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN \$1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS.

REGULATORY ASSESSMENT..... 1.0%  
 PUC RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL AND REMIT THE FEE TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ).

### Section 1.02 - Miscellaneous Fees

TAP FEE.....\$250.00  
 TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A STANDARD RESIDENTIAL 5/8" or 3/4" METER. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

TAP FEE (Unique costs) .....Actual Cost  
 FOR EXAMPLE, A ROAD BORE FOR CUSTOMERS OUTSIDE OF SUBDIVISIONS OR RESIDENTIAL AREAS.

TAP FEE (Large meter) .....Actual Cost  
 TAP FEE IS THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR METER SIZE INSTALLED.

METER RELOCATION FEE..... Actual Relocation Cost, Not to Exceed Tap Fee  
 THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS THAT AN EXISTING METER BE RELOCATED.

METER TEST FEE .....None  
 THIS FEE, WHICH SHOULD REFLECT THE UTILITY'S COST, MAY BE CHARGED IF A CUSTOMER REQUESTS A SECOND METER TEST WITHIN A TWO-YEAR PERIOD AND THE TEST INDICATES THAT THE METER IS RECORDING ACCURATELY. THE FEE MAY NOT EXCEED \$25.

### RECONNECTION FEE

THE RECONNECT FEE MUST BE PAID BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS (OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF):

- a) Non-payment of bill (Maximum \$25.00) .....\$25.00
- b) Customer's request that service be disconnected.....\$0.00

SECTION 1.0 -- RATE SCHEDULE (Continued)

TRANSFER FEE.....\$0.00

THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHEN THE SERVICE IS NOT DISCONNECTED

LATE CHARGE (EITHER \$5.00 OR 10% OF THE BILL) .....\$2.00 or 5%

PUC RULES ALLOW A ONE-TIME PENALTY TO BE CHARGED ON DELINQUENT BILLS. A LATE CHARGE MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE .....\$25.00

RETURNED CHECK CHARGES MUST BE BASED ON THE UTILITY'S DOCUMENTABLE COST.

CUSTOMER DEPOSIT RESIDENTIAL (Maximum \$50).....\$0.000

COMMERCIAL & NON-RESIDENTIAL DEPOSIT ..... 1/6TH OF ESTIMATED ANNUAL BILL

GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE

WHEN AUTHORIZED IN WRITING BY THE PUC AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING. [16 TAC 24.21(b)(2)(F)]

LINE EXTENSION AND CONSTRUCTION CHARGES:

REFER TO SECTION 3.0--EXTENSION POLICY FOR TERMS, CONDITIONS, AND CHARGES WHEN NEW CONSTRUCTION IS NECESSARY TO PROVIDE SERVICE.