



Control Number: 48640



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APPLICATION OF W.E. VLASEK § BEFORE THE STATE OFFICE  
FOR AUTHORITY TO CHANGE § OF FILING CLERK  
RATES § ADMINISTRATIVE HEARINGS

**JOINT REQUEST FOR INTERIM RATES AND MOTION TO ADMIT EVIDENCE  
AND REMAND THE PROCEEDING TO THE COMMISSION**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff) and W.E. Vlashek (Vlashek) (collectively, the Parties) and jointly file this Request for Interim Rates and Motion to Admit Evidence and Remand the Proceeding to the Commission. In support thereof, the Parties would show the following:

**I. BACKGROUND**

On August 29, 2018, Vlashek filed an application for authority to change rates for under water certificate of convenience and necessity (CCN) numbers 12685 and 11570 in Kerr County, Texas. The application was filed under TWC § 13.1872(c)(2) using the procedures set out in TWC § 13.1871. Order No. 4, issued December 14, 2018, found Vlashek's supplemented application administratively complete, continued the suspension of the proposed effective date of the requested rate change, and directed Vlashek to re-notice customers with an updated effective date. On February 11 and 13, 2019, Vlashek filed proof of notice demonstrating that, on November 26, 2018, customers and other affected parties were mailed a Notice of Proposed Rate Change that included an effective date of February 1, 2019.

On April 18, 2019, this docket was referred to the State Office of Administrative Hearings (SOAH), and the SOAH Administrative Law Judge (ALJ) convened a prehearing conference on June 4, 2019. SOAH Order No. 2, issued on June 4, 2019, required the parties to file a status report or agreed procedural schedule by June 28, 2019. In SOAH Order No. 3, issued on June 27, 2019, the SOAH ALJ suspended the effective date of the proposed rate change to November 9, 2019, and required the parties to file a status report or agreed procedural schedule by July 9, 2019. The parties timely filed an agreed procedural schedule; SOAH Order No. 5, issued on July 31, 2019, adopted the agreed schedule and set the hearing on the merits for October 15 and 16, 2019.

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The Parties requested to amend the procedural schedule on August 13, 2019, September 25, 2019, October 15, 2019, and November 18, 2019. Each request to amend was accompanied by Vlasek's agreement to extend the effective date of the proposed rate change, and all requests were granted by the SOAH ALJ. On December 20, 2019, the SOAH ALJ issued SOAH Order No. 12 scheduling a hearing on the merits on February 4 and 5, 2020.

On January 10, 2020, the Parties notified the SOAH ALJ that they had reached a settlement and requested to abate this proceeding. SOAH Order No. 13, issued January 17, 2020, granted the abatement, cancelled the hearing on the merits, and directed the parties to file a status report by February 4, 2020. On February 3, 2020, the Parties filed a status report requesting to continue the abatement for two additional weeks. On February 18, 2020, the Parties filed a status report requesting to continue the abatement until March 2, 2020. Therefore, this pleading is timely filed.

## **II. REQUEST FOR INTERIM RATES**

The Stipulation and Settlement Agreement (Agreement) filed contemporaneously with this pleading calls for the agreed rates to be charged beginning with usage on and after March 1, 2020, if the Commission has not issued a final order setting Vlasek's rates by that date. To ensure that this objective is achieved, the Signatories request that the rates shown in the tariffs included in Exhibit B to the Agreement be approved on an interim basis pursuant to 16 Texas Administrative Code (TAC) § 24.37 (subject to refund and surcharge) for usage on and after March 1, 2020.

## **III. MOTION TO ADMIT EVIDENCE**

The Parties request the entry of the following items into the record of this proceeding for the purpose of supporting the Commission's final order approving the proposed Agreement:

- (a) Application of W.E. Vlasek for Authority to Change Rates filed on August 29, 2018 (AIS Item No. 1);
- (b) W.E. Vlasek's Response to Order No. 2 filed on October 9, 2018 (AIS Item No. 35);
- (c) W.E. Vlasek's proof of notice filed on February 11, 2019 (AIS Item No. 59);
- (d) W.E. Vlasek's amended proof of notice filed on February 13, 2019 (AIS Item No. 60);
- (e) W.E. Vlasek's proof of notice of prehearing conference filed on May 22, 2019 (AIS Item No. 74);

(f) Direct Testimony of Les Romo, including all attachments thereto, filed on August 21, 2019 (AIS Item No. 100);

(g) Direct Testimony of Bret W. Fenner, P.E., including all attachments thereto, filed on August 21, 2019 (AIS Item No. 100);

(h) Direct Testimony of Leila C. Guerrero, including all attachments thereto, filed on September 19, 2019 (AIS Item No. 107)

(i) Workpapers to the Direct Testimony of Leila C. Guerrero filed on September 19, 2019 (AIS Item No. 108)

(j) Direct Testimony of Patricia Garcia, including all attachments thereto, filed on September 19, 2019 (AIS Item No. 109)

(k) Workpapers to the Direct Testimony of Patricia Garcia, including all attachments thereto, filed on September 19, 2019 (AIS Item No. 110)

(l) Direct Testimony of Emily Sears, including all attachments thereto, filed on September 19, 2019 (AIS Item No. 111);

(m) Workpapers to the Direct Testimony of Emily Sears filed on September 19, 2019 (AIS Item No. 112);

(n) Rebuttal Testimony of Bret W. Fenner, P.E., including all attachments thereto, filed on October 25, 2019 (AIS Item No. 121);

(o) Stipulation and Settlement Agreement, including Exhibits A through C, filed on February 26, 2020 (AIS Item No. 144);

(p) Testimony of Patricia Garcia in Support of Stipulation and Settlement Agreement filed on February 26, 2020 (AIS Item No. 145); and

(q) Testimony of Bret W. Fenner, P.E. in Support of Stipulation and Settlement Agreement filed on February 26, 2020 (AIS Item No. 146).

#### **IV. MOTION TO REMAND THE PROCEEDING TO THE COMMISSION**

As evidenced by the Agreement, the Parties have fully resolved all of the contested issues in this proceeding; therefore, a hearing is no longer necessary and remand is appropriate. Accordingly, the Parties request the entry of an order dismissing this case from the SOAH docket and remanding it to the Commission for consideration of the Agreement along with the Proposed Order and attachments thereto.

## V. CONCLUSION

The Parties respectfully request the entry of an order admitting the items listed above into the administrative record of this proceeding as evidence and remanding this docket to the Commission for consideration of the Agreement.

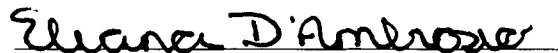
Dated: February 26, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

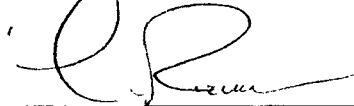
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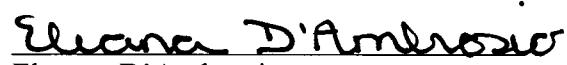
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**SOAH DOCKET NO. 473-19-4089.WS  
PUC DOCKET NO. 48640**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on February 26, 2020 in accordance with 16 TAC § 22.74.

  
Eleanor D'Ambrosio