



Control Number: 48697



Item Number: 40

Addendum StartPage: 0

**SOAH DOCKET NO. 473-20-1117.WS  
PUC DOCKET NO. 48697**

2019 DEC 13 PM 3:53

<b>APPLICATION OF ANDERSON WATER COMPANY, INC. FOR AUTHORITY TO CHANGE RATES</b>	<b>§ § §</b>	<b>BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS</b>
--	----------------------	---

**SOAH ORDER NO. 2  
ORDER ADDRESSING EFFECTIVE DATE**

On December 13, 2019, Anderson Water Company, Inc. (Anderson) filed a document requesting “an extension of the jurisdictional deadline which is currently set for January 16, 2020.” Under Texas Water Code (TWC) § 13.1871(g) and 16 Texas Administrative Code (TAC) § 24.33(a)(2), the Public Utility Commission of Texas (Commission), and by delegation, the presiding officer at the State Office of Administrative Hearings (SOAH), is authorized to suspend the effective date of the requested rate “for not more than 265 days from the proposed effective date.” However, “[i]f the utility commission does not make a final determination on the proposed rate before the expiration of the suspension period, the proposed rate shall be considered approved.”<sup>1</sup> Thus, the statute references a suspension deadline, not a jurisdictional deadline. Moreover, neither the Commission, nor, by delegation, the Administrative Law Judge (ALJ), has authority to suspend the effective date beyond 265 days from the proposed effective date.<sup>2</sup> Applicants, however, can, and often do, agree to such an extension. If the ALJ correctly construes Anderson’s request, the utility wishes to extend the suspension of the effective date.

If it is Anderson’s intent to agree to a suspension of the effective date beyond the 265 days, it shall file an agreement to that end in accordance with SOAH Order No. 1. In setting the new effective date, Anderson may wish to confer with Commission Staff on the amount of time needed to effectuate this extension. In arriving at an agreed effective date, the following should also be considered: the amount of time needed for a hearing on the merits, post-hearing briefing, the

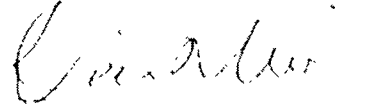
---

<sup>1</sup> Texas Water Code (TWC) § 13.1871(g).

<sup>2</sup> However, the 265-day period shall be extended by two days for each day a hearing exceeds 15 days. *Id.* § 13.1871(h).

60 days necessary for the SOAH ALJ to write a proposal for decision, and the need for the matter to be considered at an open meeting of the Commission. **IT IS ORDERED** that the parties **submit a status report on this issue no later than January 10, 2020.**

**SIGNED December 18, 2019.**



DANIEL WISEMAN  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS