



Control Number: 49154



Item Number: 2

Addendum StartPage: 0

**RATEPAYERS' APPEAL OF THE
DECISION BY LAGUNA MADRE
WATER DISTRICT TO CHANGE
RATES**

2019 JAN 31 AM 9:47
§ PUBLIC UTILITY COMMISSION
§ FILING CLERK
§ OF TEXAS
§

**ORDER NO. 1
REQUIRING RESPONSES AND
ADDRESSING OTHER PROCEDURAL MATTERS**

On January 29, 2019, South Padre Island Golf Course via SPI Golf Homeowners JV, Inc. (Ratepayers) of the Laguna Madre Water District (District) filed a petition, under Texas Water Code § 13.043 and § 13.186, to appeal the District's April 2018 and November 2018 rate increases.

I. Requiring Comments on the Administrative Completeness of Petition and Commission Staff's Position on the Petition

By February 28, 2019,¹ Commission Staff must file: (1) comments on the administrative completeness of the petition; and (2) its position on the petition. In light of the fact that the petition complains about rates charged for raw irrigation water (i.e., non-potable water), Commission Staff is directed to state its position on whether the Commission has jurisdiction to consider the appeal, and whether the appeal may be brought under Texas Water Code §§ 13.043 and 13.186.

II. Response to the Petition by Water Utility

The District may file a response to the Ratepayers' petition by February 28, 2019.

III. Requesting Procedural Schedule

By February 28, 2019, the Ratepayers, the District, and Commission Staff must file comments regarding how to proceed with the petition and propose a procedural schedule.

¹ 16 Texas Administrative Code (TAC) § 24.8(a).

IV. Filing Requirements

Responsive pleadings are governed by 16 TAC § 22.78. Unless otherwise specified, responses or replies to any motion or other pleading must be filed within five working days after the date on which the motion or other pleading was received by the responding party. The Commission will consider a failure to respond timely as agreement to the relief requested.

All parties must provide their current addresses, telephone and facsimile numbers, if available, to all other parties and the Commission by filing and serving all parties with such information. Each party must provide the Commission and all parties with updated address, telephone, and facsimile information if such information changes. The telephone and facsimile numbers will be placed on the service list for the convenience of the parties. Parties are responsible for updating their own service lists to reflect changed information and the addition of any other parties.

Unless otherwise specified, an original and 10 copies of documents relating to this proceeding must be filed with the Commission filing clerk.² A copy of each document filed with the Commission must also be served on all parties.³

Ex parte communications with the administrative law judge and presiding officer are prohibited.⁴ Parties must communicate only through written documents filed with the Commission's filing clerk and served on all parties. Questions concerning this Order or any other order must be submitted in writing, filed with the Commission, and served on all parties of record.

Signed at Austin, Texas the 31st day of January 2019.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
ADMINISTRATIVE LAW JUDGE

q:\cadm\doCKET management\water\rate appeals\49xxx\49154-1 rate appeal.docx

² 16 TAC § 22.71.

³ 16 TAC § 22.74.

⁴ 16 TAC § 22.3(b)(2).