



Control Number: 49154



Item Number: 33

Addendum StartPage: 0

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COMMISSIONER MEMORANDUM

MEETING DATE: August 8, 2019

DATE DELIVERED: August 7, 2019

AGENDA ITEM NO.: 5

CAPTION: Docket No. 49154; SOAH Docket No. 473-19-5677.WS - Ratepayers' Appeal of the Decision by Laguna Madre Water District to Change Rates

DESCRIPTION: Commissioner Memoranda

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33

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Shelly Botkin
Commissioner
John Paul Urban
Executive Director



Greg Abbott
Governor

Public Utility Commission of Texas

TO: Chairman DeAnn T. Walker
Commissioner Arthur C. D'Andrea
Commissioner Shelly Botkin

All Parties of Record (*via electronic transmission*)

FROM: Carsi Mitzner 
Commission Advising

RE: Docket No. 49154; SOAH Docket No. 473-19-5677.WS; *Ratepayers' Appeal of the Decision by Laguna Madre Water District to Change Rates*, August 8, 2019 Open Meeting, Item No. 5.

DATE: August 7, 2019

Please find enclosed a memorandum by Chairman Walker regarding the above-referenced docket. No other commissioner will file a memorandum in this docket.

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Public Utility Commission of Texas

Memorandum

TO: Commissioner Arthur C. D'Andrea
Commissioner Shelly Botkin

FROM: Chairman DeAnn T. Walker 

DATE: August 7, 2019

RE: Open Meeting of August 8, 2019 – Agenda Item No. 5
Docket No. 49154 – *Ratepayers' Appeal of the Decision by Laguna Madre Water District to Change Rates*

I recommend that the Commission make the following changes to the draft preliminary order in this proceeding.

The first sentence of issue 1 should be deleted. The Commission administrative law judge found in Order No. 5 that the Commission has jurisdiction over the raw water rate appeal under Texas Water Code § 12.013. The order was not appealed. Therefore, the issue does not need to be addressed by the State Office of Administrative Hearings administrative law judge.

1. ~~Do the facts demonstrate that the Commission has authority under TWC § 12.013 to hear this appeal? If so, W~~was the petition filed in accordance with TWC § 12.013 and 16 TAC § 24.107?

Issue 20 should be revised for clarity.

20. What is the total demand for raw water sold by Laguna Madre for the following:
 - a. On an average yearly basis for the previous five years?
 - b. For the time period for which the challenged rates were set?
 - c. Under the contracts currently in place, if a minimum requirement exists and ~~If each customer were to take its minimum requirement of water, if such a minimum requirement exists?~~

Additionally, the last sentence of the paragraph under the heading *Issues Not to be Addressed* on page 6 should be revised for accuracy.

No statute allows the Commission to address violations of the Open Meetings Act or award ~~to issue rewards~~ for damages, and therefore the Commission identifies the following issues that need not be addressed in this proceeding for the reasons stated.

I also propose delegating to Commission Advising staff the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

I look forward to discussing this matter with you at the open meeting.