



Control Number: 49176



Item Number: 2

Addendum StartPage: 0

DOCKET NO. 49176

**APPLICATION OF TROY HENRY
FOR TEMPORARY RATES FOR
SERVICES PROVIDED FOR A
NONFUNCTIONING UTILITY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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PUBLIC UTILITY COMMISSION
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**ORDER NO. 1
REQUIRING CLARIFICATION OF THE APPLICATION,
COMMENTS ON ADMINISTRATIVE COMPLETENESS, AND PROPOSED
PROCEDURAL SCHEDULE**

On February 5, 2019, Troy Henry, purportedly acting on behalf of the Sabine River Authority of Texas, filed with the Public Utility Commission of Texas (Commission) a copy of a letter to the customers of Tawakoni Waste, LLC explaining that he was raising their sewer rates.

I. Requiring Clarification of the Filing

The letter is confusing and provides no context or explanation to the Commission. The letter explains to the customers of Tawakoni Waste that the Sabine River Authority was appointed temporary manager of the facility owned by Tawakoni Waste. It appears, however, that Mr. Henry, not the Sabine River Authority, was appointed to temporarily manage and operate the sewer facility owned by Tawakoni Waste.¹

It also appears that, by providing a copy of the letter to the Commission, Mr. Henry is seeking a Commission finding, under Texas Water Code (TWC) § 13.046 and 16 Texas Administrative Code (TAC) § 24.363, as to the reasonableness of the temporary rates adopted by Mr. Henry. Mr. Henry requests approval of the rate increase due to unforeseen capital expenses and associated compliance costs. The effective date of the proposed rate change is February 1, 2019. Mr. Henry provided notice of the rate change to Tawakoni Waste's customers on February 1, 2019.

¹ *In the Matter of an Enforcement Action Against Tawakoni Waste, LLC and Texas Rain Holding Company, Inc.*, TCEQ Docket No. 2018-1749-UCR-E, Emergency Order Appointing a Temporary Manager of a Wastewater Utility (Dec. 21, 2018).

By February 22, 2019, Mr. Henry must file comments explaining whether he, or Sabine River Authority, is the correct party to this proceeding, and confirming whether the filing is intended to constitute an application under TWC § 13.046 and 16 TAC § 24.363.

II. Requiring Comments on Administrative Completeness of the Application and Notice

By March 14, 2019, Commission Staff shall file comments on the administrative completeness of the application and notice.

III. Requesting Procedural Schedule

By March 14, 2019, Mr. Henry and Commission Staff shall file comments regarding how this application should be processed and propose a procedural schedule.

IV. Discovery

Discovery may proceed informally; however, objections to Requests for Information (RFI) must be filed and served within 10 days of receiving the RFI. Objections shall include a statement that negotiations were conducted diligently and in good faith. If the parties are unable to resolve a discovery dispute, a motion to compel a response to an RFI must be filed and served within 5 working days of receipt of an objection. The motion to compel shall specify the grounds for the motion.

V. Filing Requirements

Unless otherwise specified, an original and ten 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 All filings can be accessed on the PUC Interchange, <http://interchange.puc.texas.gov>.

All parties shall provide their current addresses, telephone and fax numbers, if available, to all other parties and the Commission by filing and serving all parties with such information. Each party shall provide the Commission and all parties with updated address, telephone, and fax

² 16 TAC § 22.71.

³ 16 TAC § 22.74.

information if such information changes. The telephone and fax numbers will be placed on the service list for this proceeding. Parties are responsible for updating their own service lists to reflect changed information and the addition of any other parties.

VI. Ex Parte Communications

Ex parte communications with the administrative law judges and presiding officer (collectively, ALJs) are prohibited.⁴ Parties shall communicate with the ALJs 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 11th day of February 2019.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
ADMINISTRATIVE LAW JUDGE

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⁴ 16 TAC § 22.3(b)(2).