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DOCKET NO. 49189

RECEIVED

APPLICATION OF THE CITY OF
AUSTIN FOR AUTHORITY TO
CHANGE THE WATER AND
WASTEWATER RATES FOR NORTH
AUSTIN MUNICIPAL UTILITY
DISTRICT NO. 1, NORTHTOWN
MUNICIPAL UTILITY DISTRICT,
TRAVIS COUNTY WATER CONTROL
AND IMPROVEMENT DISTRICT NO.
10, AND WELLS BRANCH
MUNICIPAL UTILITY DISTRICT IN
WILLIAMSON AND TRAVIS
COUNTIES

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PUBLIC UTILITY COMMISSION

2019 MAY 29 PM 2:14

OF TEXAS
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S RESPONSE TO CITY OF AUSTIN'S MOTION FOR
RECONSIDERATION OF COMMISSION ORDER NO. 2 AND EXTENSION OF
DEADLINE TO FILE LIST OF ISSUES**

COMES NOW the Commission Staff of the Public Utility Commission of Texas (Commission), representing the public interest, and this Response to the City of Austin's Motion. In support thereof, Staff shows the following:

I. BACKGROUND

On April 15, 2019, the City of Austin dba Austin Water file an application for authority to change wholesale water and wastewater rates. This application is filed in accordance with Texas Water Code (TWC) § 13.044(b), which states that once the Commission fixes the rates to be charged by a municipality under TWC § 13.044, those rates may not increase without the approval of the Commission.

On May 2, 2019, Order No. 1 was issued establishing a deadline of May 16, 2019 for Staff to file comments and recommendations regarding how this application should be processed. On May 16, 2019, Staff filed a recommendation that the application be found administratively incomplete and requested an extension of time to file its list of issues. Order No. 2, issued on May 17, 2019, found the application administratively incomplete. The administrative law judge, on May 17, 2019, granted Staff's request for an extension of time to file a list of issues.

II. RESPONSE TO MOTION

The City of Austin argues in its motion that because there are no rules or standards by which to measure the completeness of the information provided, the application cannot be found administratively complete, and that there is enough information provided in the application package already for the parties to develop a list of issues without the need for an extension. Staff disagrees, and would respond by saying that there are base fundamental issues with the information provided that preclude Staff from moving on past the sufficiency stage in this docket.

Staff does agree that this case is unique, and that there are no statutes or rules that directly prescribe how an application of this nature should be processed. However, the issues Staff seeks to correct in the sufficiency stage are basic issues with the information presented, or lack thereof, such as tables that are missing standard units of measurement, or requested revenue requirements that are inconsistent.¹ As this case is unique, Staff seeks to clarify the application as much as possible before developing a list of issues that will guide this case.

This extension will not unnecessarily delay the processing of this case, as Staff continues to review and analyze the information that has been provided.

III. CONCLUSION

For the reasons discussed above, Staff recommends that the Motion for Reconsideration of Commission Order No. 2 and Extension of Deadline to File List of Issues be denied.

¹ Commission Staff's Recommendation on Administrative Completeness and Procedural Schedule at 4 (May 16, 2019).

Dated: May 29, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

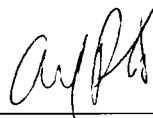


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on May 29, 2019, in accordance with 16 TAC § 22.74.



Alexander Petak