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*Public Utility Commission of Texas*

November 18, 2019

The Honorable Hunter Burkhalter  
Public Utility Commission of Texas  
Office of Policy and Docket Management  
1701 N. Congress Ave.  
P.O. Box 13326  
Austin, Texas 78711-3326

RE: Docket No. 49554—*Complaint of SWWC Utilities, Inc. dba Water Services, Inc. Against the City of Bulverde and Sue Wahl*

Dear Judge Burkhalter,

A Proposal for Decision (PFD) in the above referenced-docket will be considered at the open meeting scheduled for December 13, 2019. On October 25, 2019, the Office of Policy and Docket Management issued a memorandum establishing November 18, 2019 as the deadline to file replies to exceptions to the PFD.

Citing to TWC § 13.041(a), Water Services argues in its exceptions to the PFD that the Commission “has the implied authority to review and interpret the City’s actions to determine whether they affect the Commission’s expressly authorized duties...”<sup>1</sup> Water Services did not make this argument in its brief submitted in response to Order No. 4 and presented it for the first time in its response to Staff’s motion to dismiss filed on October 23, 2019.<sup>2</sup> Staff’s brief submitted in response to Order No. 4 did not address the question of whether the Commission has the implied authority to review the City’s order. Staff acknowledges that the Commission’s implied authority is a potential basis for establishing the Commission’s jurisdiction over Water Services’ complaint, and that the Commission may wish to exercise that authority.

<sup>1</sup> SWWC Utilities, Inc., dba Water Services, Inc.’s Exceptions to the Proposal for Decision at 2 (Nov. 6, 2019).

<sup>2</sup> SWWC Utilities, Inc., dba Water Services, Inc.’s Response to Commission Staff’s Motion to Dismiss and Reply to Commission Staff’s Response SWWC Utilities, Inc., dba Water Services, Inc.’s Motion to Reinstate and Request for Declaratory Order at 2 (Oct. 23, 2019).



A handwritten signature in blue ink, appearing to be "J. B. ...".

Sincerely,

*Eleanor D'Ambrosio*

Eleanor D'Ambrosio  
Attorney, Legal Division