

Control Number: 49869



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**DOCKET NO. 49869**

**TIMOTHY NEWMAN'S APPEAL OF  
THE COST OF OBTAINING SERVICE  
FROM MJC WATER SUPPLY  
CORPORATION IN LAMAR COUNTY**

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§

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

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CLERK

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this response to Order No. 1, Staff's Recommendation on Administrative Completeness. In support thereof, Staff shows the following:

**I. BACKGROUND**

On August 19, 2019, Timothy Newman (Petitioner) filed with the Public Utility Commission of Texas an appeal of the cost of obtaining service from MJC Water Supply Corporation (MJC), Certificate of Convenience and Necessity (CCN) No. 10497, pursuant to Texas Water Code (TWC) § 13.043(g) and 16 Texas Administrative Code (TAC) § 24.101(g) (formerly 16 TAC § 24.41(g)).

On August 21, 2019, Order No. 1 was issued, requiring Staff to file a recommendation on the administrative completeness of the application on or before September 18, 2019. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS RECOMMENDATION**

Pursuant to TWC § 13.043(g) and 16 TAC § 24.101(g), an applicant for service from a water supply corporation may appeal to the Commission a decision of the water supply corporation affecting the amount to be paid to obtain service other than regular membership or tap fees. Petitioner filed this petition using the Commission form for the "Appeal of the Cost of Obtaining Service from a Water Supply Corporation." While the parties may need to develop additional facts in this proceeding, Staff has reviewed the materials submitted and recommends that the petition be declared administratively complete for further processing on the merits pursuant to 16 TAC § 24.8.

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### **III. NOTICE**

Notice in this petition is governed by 16 TAC § 22.55 and Staff recommends that Petitioner be directed to mail a copy of the petition to MJC with the assigned Docket No. 49869, if it has not already been mailed, to satisfy this requirement. Staff further recommends that Petitioner file in the docket proof that the petition was sent to MJC.

### **IV. PROPOSED PROCEDURAL SCHEDULE**

Pursuant to the requirements of TWC § 13.043(g) and 16 TAC § 24.21(g), Staff will evaluate whether the amount that Petitioners paid to obtain service from MJC was "consistent with the tariff of the water supply or sewer service corporation and is reasonably related to the cost of installing on-site and off-site facilities to provide service." To conduct its evaluation and develop the facts in this proceeding, Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Deadline for Petitioner to provide proof that notice was provided to MJS	September 27, 2019
Deadline for MJS to file a response to the petition	October 18, 2019
Deadline for Staff to issue its final recommendation on the petition or to request a hearing	November 15, 2019
Deadline for parties to respond to Staff's recommendation and/or to request a hearing, or if no hearing is requested, then the deadline to file a proposed order	December 13, 2019

### **V. CONCLUSION**

For the reasons stated above, Staff respectfully recommends that the application be deemed administratively complete and that the above proposed procedural schedule be adopted.

Dated: September 18, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Rachelle Nicolette Robles  
Managing Attorney

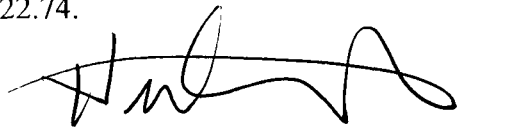


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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on September 18, 2019, in accordance with 16 TAC § 22.74.



Heath D. Armstrong

## PUC Interoffice Memorandum

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**To:** Heath Armstrong  
Legal Division

**Thru:** Heidi Graham, Manager  
Infrastructure Division

**From:** Jolie Mathis  
Infrastructure Division

**Date:** September 18, 2019

**Subject:** **Docket No. 49869**, *Timothy Newman's Appeal of the Cost of Obtaining Service from MJC Water Supply Corporation in Lamar County.*

On August 19, 2019, Timothy Newman (Petitioner) filed with the Public Utility Commission of Texas (PUC) an appeal of the cost of obtaining service from MJC Water Supply Corporation (WJC), Certificate of Convenience and Necessity (CCN) No. 10497 pursuant to Texas Water Code (TWC) § 13.043(g) and 16 Texas Administrative Code (TAC) § 24.101(g) (formerly 24.41(g)). The Applicant is seeking to obtain service at a reasonable cost.

TWC § 13.043(g) requires the appeal to be filed within 90 days after written notice of the amount to be paid to obtain service. The filing contained a copy of MJC's service application and agreement dated August 8, 2019, a copy of a letter addressed to Mr. Timothy Newman regarding water service dated July 22, 2019, a copy of the Applicant's plat, and a copy of a letter dated August 10, 2019 from Mr. Timothy Newman in support of the application. The documentation shows that Petitioner received a letter dated July 22, 2019 outlining the amount to be paid to obtain service, that the agreement was executed and payment was provided on August 8, 2019, and that the Petitioner filed the appeal on August 19, 2019, thereby meeting the 90-day filing requirement of TWC § 13.043(g).

Therefore, Staff has reviewed the petition and found that it is administratively complete for filing under 16 TAC § 24.101.