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**DOCKET NO. 50014**

**APPLICATION OF BIG WOOD  
SPRINGS WATER SYSTEM FOR A  
PRICE INDEX RATE ADJUSTMENT**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 3**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, files this Response to Order No. 3. In support thereof, Staff shows the following:

**I. BACKGROUND**

On September 17, 2019, Big Wood Springs Water System, (Big Wood Springs) filed an application for a rate adjustment under Texas Water Code (TWC) § 13.1872 and 16 Texas Administrative Code (TAC) § 24.49. On September 20, 2019, the Administrative Law Judge (ALJ) issued Order No. 1, requiring Big Wood Springs to file supplemental information by September 24, 2019. On October 4 and 10, 2019, Big Wood Springs filed supplements to the application.

Order No. 1 also required Staff to file a recommendation on the administrative completeness of the application and notice by October 17, 2019. On October 17, 2019, Staff filed a recommendation on administrative completeness and recommendation on final disposition recommending that Big Wood Springs' application be found administratively complete.

On October 22, 2019, the ALJ issued Order No. 2 finding the application to be administratively complete. On October 23, 2019, the ALJ issued Order No. 3 requesting clarification from Staff on the legal name of Big Wood Springs and the issuance of a new tariff with the correct name, if applicable, by October 30, 2019. Staff filed a Request for Extension on October 29, 2019 to work with Big Wood Springs. Order No. 4 granted Staff's request to extend the deadline to respond to Order No. 3 to November 13, 2019. Staff filed a second Request for Extension on November 12, 2019 to all Applicant time to respond to Staff's Requests for Information. Order No. 4 granted Staff's request to extend the deadline to respond to Order No. 3 to December 11, 2019. Therefore, this pleading is timely filed.

## II. CLARIFICATION

Staff has reviewed Big Wood Springs responses to Staff's requests for information and cannot determine the legal name of the utility. On the application, Big Wood Springs lists, "Big Wood Springs Water System" and lists the applicant as "Patetreen Petty, Executor." The Tariff filed with the application lists "Pat McCoy dba Big Woods Springs Water Company" as the utility. The Certificate of Convenience and Necessity (CCN) number issued to the utility is listed as "Pat Petty dba Big Wood Springs Water System." While Big Wood Springs asserts in their response to Staff 1-7 that "Pat Petty aka Patetreen Petty, aka Pat McCoy, aka Patetreen Petty McCoy<sup>1</sup>" are all the same person, the utility does not provide any documentation to clarify whether the utility's dba is "Big Wood Springs Water System" or "Big Woods Springs Water Company." Big Wood Springs also failed to provide any assumed name certificates. Although Big Wood Springs asserts that Patetreen Petty was operating as a sole proprietorship before she was deceased, Big Wood Springs does not provide evidence to show that the facilities and CCN No. were transferred after Petty's death in September of 2000.<sup>2</sup> For these reasons, Staff was unable to determine the legal name of the utility.

Staff recommends that Big Wood Springs withdraws its application until the utility can establish a legal name and ownership.

## III. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be withdrawn without prejudice.

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<sup>1</sup> *Application of Big Wood Springs Water System for a Price Index Rate Adjustment*, Docket No. 50014, Applicant's Response to Commission Staff's First Request for Information to Big Wood Springs Water System Question No Staff 1-1 Through Staff 1-7 at 2 (Dec. 2, 2019),

<sup>2</sup> *Id.* at 3

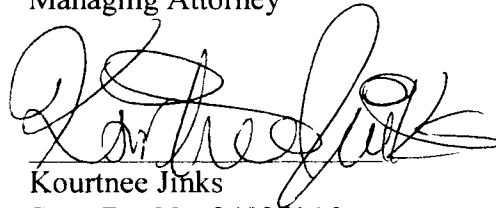
Dated: December 11, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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Division Director

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Managing Attorney

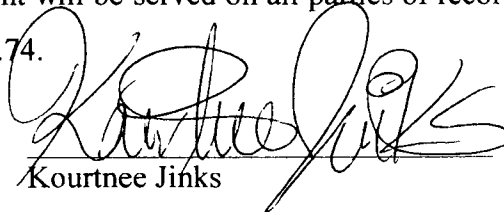


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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on December 11, 2019, in accordance with 16 TAC § 22.74.



Kourtnee Jinks