



Filing Receipt

Filing Date - 2023-04-12 01:00:59 PM

Control Number - 50197

Item Number - 142

**SOAH DOCKET NO. 473-21-2237
PUC DOCKET NO. 50197**

APPLICATION OF TIMBERCREST	§	BEFORE THE STATE OFFICE
PARTNERS LLC FOR AUTHORITY TO	§	OF
CHANGE RATES	§	ADMINISTRATIVE HEARINGS

**MOTION FOR LEAVE AND/OR GOOD CAUSE EXCEPTION TO ADDRESS NOTICE
ISSUES**

Timbercrest Partners LLC (Timbercrest) files this Motion for Leave and/or Good Cause Exception to address notice to the Office of Public Utility Counsel and, in support thereof, respectfully shows as follows:

I. Introduction

On January 17, 2020, Timbercrest filed an application with the Public Utility Commission of Texas (Commission) for authority to change its retail water and sewer rates under Texas Water Code (TWC) §§ 13.1871 and 13.1872(c)(2) and 16 Texas Administrative Code (TAC) §§ 24.25-.44. There were no protests or interventions filed in this case.

On March 3, 2023, Timbercrest and Staff filed its Unanimous Stipulation and Settlement Agreement, along with Joint Proposed Order and Proposed Tariffs. On April 12, 2023, the parties filed, contemporaneously with this Motion, an Amended Unanimous Stipulation and Settlement Agreement.

On March 31, 2023, Commission Counsel filed memoranda, requiring Timbercrest and Staff (the “Parties”) to address certain evidentiary issues and notice to affected municipalities and the Office of Public Utility Counsel (“OPUC”) by April 4, 2023. On April 4, 2023, Commission Counsel granted the Parties an extension to make these filings until April 12, 2023. Therefore, this pleading is timely filed.

II. Motion for Leave or Good Cause Exception

A. Notice to Affected Municipalities

As noted in Timbercrest’s proof of notice of the prehearing conference (Interchange Item No. 55), there are no affected municipalities. Attached hereto as Exhibit A is a supplemental proof of notice attesting to the fact that there are no affected municipalities.

B. Notice to Office of Public Utility Counsel

Timbercrest respectfully requests leave to provide late notice to the Office of Public Utility Counsel in this matter. This case was originally filed over three years ago. Counsel for Timbercrest was under the impression that notice was provided to OPUC at the time of filing. However, other than a general reference to a mailing label in its files, Timbercrest cannot find proof that notice was actually mailed. Timbercrest has now provided notice to Office of Public Utility Counsel and is awaiting a response as to whether they previously received notice and whether they wish to intervene.

in this proceeding. Timbercrest moves for leave to late file this notice for good cause and requests that the Commission allow time for OPUC to respond to the notice through intervention or notice that it does not wish to intervene.

Good cause exists for the late filing. Timbercrest's failure to provide notice was not intentional. Counsel for Timbercrest was under the impression that notice had been provided to OPUC. As discussed above, this case has been on file for over three years. There were no protests filed in the case. This is a small Class D water utility with only 5 metered customers. Commission Staff issued eleven sets of RFIs in this case, and a technical conference/mediation took place. It was only after the thorough review of Staff that the parties were able to reach a resolution. For this reason, the public interest has been served in this case and a good cause exception would be warranted.

Respectfully submitted,

Shea & Associates, PLLC

By: /s/ Tammy Shea
Tammy Wavle-Shea
State Bar No. 24008908
400 N Sam Houston Pkwy E, Suite 413
Houston, Texas 77060
Telephone: (713) 410.0856
Email: tshea@tshealaw.com

**ATTORNEYS FOR TIMBERCREST
PARTNER LLC**

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document will be served on all parties of record and Office of Public Utility Counsel on April 12, 2023.

/s/ Tammy Shea
Tammy Shea

DOCKET NO. 50197

APPLICATION OF TIMBERCREST § PUBLIC UTILITY COMMISSION
PARTNERS LLC FOR RATE CHANGE §
 § OF TEXAS

AFFIDAVIT


STATE OF TEXAS §
COUNTY OF HARRIS §

AFFIDAVIT OF TAMMY R. SHEA

BEFORE ME, the undersigned authority, personally appeared Tammy R. Shea, known to me to be a credible person who on her oath deposed and stated the following on her personal knowledge:

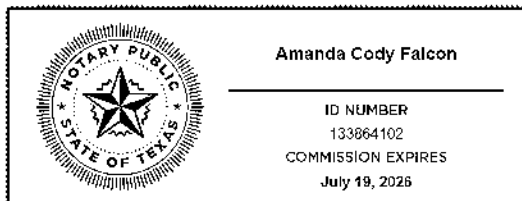
1. “My name is Tammy R. Shea, I am attorney of record for Timbercrest Partners LLC in Docket 50197. I am over the age of eighteen (18) years, and there is no legal impediment to my giving this affidavit. I make this affidavit on my personal knowledge and the statements contained herein are true and correct.

2. I hereby certify that the written notice of this proceeding was mailed via first class mail to each customer or other affected party on November 3, 2020 by bill insert. There are no affected municipalities in this case. Notice was provided to Office of Public Utility Counsel on April 10, 2023. The notice is attached hereto as Exhibit A

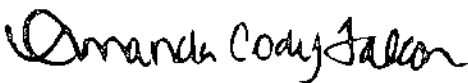


Tammy R. Shea 04/10/2023

SUBSCRIBED AND SWORN TO BEFORE ME this 10th day of April, 2023.



Notarized online using audio-video communication



Notary Public

RE: Docket 50197; Application of Timbercrest Partners LLC to Change Rates

To Andrea Brogan <andrea.brogan@opuc.texas.gov> • Sneha Patel <sneha.patel@puc.texas.gov>

Thank you Andrea.

On 04/10/2023 2:30 PM CDT Brogan, Andrea <andrea.brogan@opuc.texas.gov> wrote:

Tammy,

I have passed this on to our team to assist with the matter.

Thank you!

Andrea Brogan

Executive Assistant

Office of Public Utility Counsel

1701 North Congress Avenue, Suite 9-180

Austin, TX 78701

#: 512-936-7528

F: 512-936-7525

andrea.brogan@opuc.texas.gov



From: Tammy Shea <tshea@tshealaw.com>

Sent: Monday, April 10, 2023 2:19 PM

To: Brogan, Andrea <andrea.brogan@opuc.texas.gov>

Cc: Scott Miles <scott.miles@puc.texas.gov>

Subject: Docket 50197; Application of Timbercrest Partners LLC to Change Rates

Good afternoon, Andrea,

Thank you for your assistance on this matter. This is a small Class D water rate case that was filed back in 2019. Due to COVID and other delays, it was not settled until earlier this year. Upon filing the stipulation and proposed order with the Commission, it was brought to our attention that OPUC does not appear to have been

provided notice. I can find no proof notice on our end (other than a generic mailing label to OPUC saved under this matter number in our files), so it appears notice may not have been provided. Could you please forward this to the appropriate person so that we can determine if OPUC did have notice of this proceeding or, if not, what information must be filed with the Commission (i.e., does OPUC wish to intervene, etc.)?

I have copied Scott Miles on this email, who is the Staff attorney assigned to this case.



SHEA & ASSOCIATES, PLLC

Tammy Shea

Shea & Associates, PLLC

400 N Sam Houston Pkwy E, Suite 413

Houston, Texas 77060

Telephone: (713) 410.0856

Facsimile: (832) 565.8639

Email: tshea@tshealaw.com

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- image002.png (6 KB)



DOCKET NO. 50197

APPLICATION OF TIMBERCREST
PARTNERS LLC FOR RATE CHANGE

§
§
§

PUBLIC UTILITY COMMISSION
OF TEXAS

AFFIDAVIT

STATE OF Florida
COUNTY OF Leon

§
§

AFFIDAVIT OF TAMMY R. SHEA

BEFORE ME, the undersigned authority, personally appeared Tammy R. Shea, known to me to be a credible person who on her oath deposed and stated the following on her personal knowledge:

1. "My name is Tammy R. Shea, I am attorney of record for Timbercrest Partners LLC in Docket 50197. I am over the age of eighteen (18) years, and there is no legal impediment to my giving this affidavit. I make this affidavit on my personal knowledge and the statements contained herein are true and correct.

2. I hereby certify that the (third) written notice of this proceeding was mailed via first class mail to each customer or other affected party on November 3, 2020 by bill insert. The notice is attached hereto as Exhibit A

Tammy Shea
Tammy R. Shea

See attached Notarize.com certificate

SUBSCRIBED AND SWORN TO BEFORE ME this 10th day of November, 2020.

Notarized online using audio-video communication

Notary Public

EXHIBIT A

PUCT DOCKET NO. 50197 NOTICE OF PROPOSED RATE CHANGE PURSUANT TO TEXAS WATER CODE §§ 13.1871 AND 13.18715

Company Name: Timbercrest Partners LLC

CCN Numbers: 11744 / 20583

has filed a rate change application with the Public Utility Commission of Texas (Commission or PUCT). The application may be reviewed online at interchange.puc.texas.gov. You may also inspect a copy of the rate change application at your utility's office at the address below or at the Commission's office (1701 N. Congress Ave, Austin, TX 78701). The proposed rates will apply to service received after the effective date provided below, unless modified or suspended by the Commission. If the Commission receives a sufficient number of protests, separately or in a combined protest letter, from at least 1 ratepayer (10 percent of the utility's customers over whose rates the Commission has original jurisdiction) or from any affected municipality before the 91st day after the proposed effective date, the matter will be set for hearing. **See Protest Form on the next page for instructions on how to protest.**

EFFECTIVE DATE OF PROPOSED

INCREASE:

December 8, 2020

(must be at least 35 days after notice is provided to customers and 35 days after application is filed)
(Proposed rates requested by the utility are not final. The Commission may modify the rates and order a refund or credit against future bills all sums collected during the pendency of the rate proceeding in excess of the rate finally ordered plus interest.)

Reason(s) for Proposed Rate Change:

Increases in operational costs and the addition of Commercial customers.

BILLING COMPARISON

Water

Residential(1)

Existing 5,000 gallons:	\$ 21.25 /mo	Proposed 5,000 gallons:	\$ 31.91 /mo
Existing 10,000 gallons:	\$ 27.50 /mo	Proposed 10,000 gallons:	\$ 31.91 /mo

Commercial(2)

Existing 5,000 gallons:	\$ 86.25 /mo	Proposed 5,000 gallons:	\$ 330.37 /mo
Existing 10,000 gallons:	\$ 92.50 /mo	Proposed 10,000 gallons:	\$ 330.62 /mo

Sewer

Residential(1)

Existing 5,000 gallons:	\$ 18.30 /mo	Proposed 5,000 gallons:	\$ 31.91 /mo
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Commercial(2)

Existing 5,000 gallons:	\$96.25 /mo	Proposed 5,000 gallons:	\$ 334.82 /mo
Existing 10,000 gallons:	\$108.75 /mo	Proposed 10,000 gallons:	\$ 339.51 /mo

(1) Assumes 5/8" Meter

(2) Assumes 2" Meter

Subdivision(s) of System(s) Affected by Rate Change: Timbercrest, PWS # 1011973

EXHIBIT A

Company Address: 25903 Elmfield Drive, Spring, Texas 77389 **Company Phone No:** 281.351.4184

Annual Revenue Increase: Water \$85,574 | Sewer \$104,370 **Date Notice Delivered:** November 3, 2020

Date of Last Rate Change: Unknown

Date Meters Typically Read: 1st of the month

EXHIBIT A

PUCT DOCKET NO.

RATEPAYER COMMENTS/REQUESTS TO INTERVENE

If you wish to PROTEST the proposed rate change, you must submit this form and 10 copies to:

**Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326**

Unless protests are received from at least 10% of ratepayers (1 customer) or from any affected municipality, or the Commission Staff requests a hearing, no hearing will be held, and the rates will be effective as proposed.

CUSTOMER INFORMATION (to be completed by customers submitting protests)

First Name: _____ Last Name: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

Address, City, State: _____

Location where service is received: _____
(if different from the mailing address)

Please fill out the following:

I wish to PROTEST the following proposed rate action/s:

☐ I wish to be a COMMENTER. I understand that: I am NOT a party to this case; my comments are not considered evidence in this case; and I have no further obligation to participate in the proceeding. Public comments may help inform the PUCT of the public concerns and identify issues to be explored. Please provide comments below. Attach a separate page, if necessary.

☐ I am requesting to INTERVENE in this proceeding. As an INTERVENOR, I understand that: I am a party to the case; I am required to respond to all discovery requests from other parties; I may be required to attend hearings, and if I file testimony, I may be cross-examined in the hearing; if I file any documents in the case, I must provide a copy to every other party in the case; and I acknowledge that I am bound by the Procedural Rules of the PUCT and the State Office of Administrative Hearings (SOAH).

Signature of Protester: _____

Date: _____

Si desea informacion en Espanol, puede llamar al
1-888-782-8477

Hearing- and speech-impaired individuals with text telephones may contact the PUCT's Customer Assistance
Hotline at
512-936-7136

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EXHIBIT A

EXHIBIT A

NOTICE OF PROPOSED RATE CHANGE - WATER AND SEWER

WATER - CURRENT BASE RATES		WATER - PROPOSED BASE RATES	
Monthly base rate including 3,000 gallons		Monthly base rate including 0 gallons	
WATER -RESIDENTIAL-Meter Size Charge		WATER -RESIDENTIAL-Meter Size Charge	
5/8" or 3/4"	\$18.75	5/8" or 3/4"	\$31.91
1"	\$26.25	1"	\$79.77
1 1/2"	\$63.75	1 1/2"	\$159.54
2"	\$83.75	2"	\$255.26
3"	N/A	3"	\$478.61
4"	N/A	4"	\$797.68
CURRENT GALLONAGE CHARGE (per 1,000 gallons)		PROPOSED GALLONAGE CHARGE (per 1,000 gallons)	
VOLUME	CHARGE	VOLUME	CHARGE
All Gallons	\$1.25/1000 gals.	All Gallons	\$0.00/1000 gals.
WATER -COMMERCIAL-Meter Size Charge		WATER -COMMERCIAL-Meter Size Charge	
5/8" or 3/4"	\$18.75	5/8" or 3/4"	\$41.27
1"	\$26.25	1"	\$103.16
1 1/2"	\$63.75	1 1/2"	\$206.33
2"	\$83.75	2"	\$330.13
3"	N/A	3"	\$618.99
4"	N/A	4"	\$1,031.64
6"	N/A	6"	\$2,063.29
8"	N/A	8"	\$3,301.26
10"	N/A	10"	\$4,745.57
12"	N/A	12"	\$8,872.14
CURRENT GALLONAGE CHARGE (per 1,000 gallons)		PROPOSED GALLONAGE CHARGE (per 1,000 gallons)	
VOLUME	CHARGE	VOLUME	CHARGE
All Gallons	\$1.25/1000 gals.	All Gallons	\$0.05/1000 gals.
EXISTING PASS THROUGH CLAUSE (Water):		PROPOSED PASS THROUGH CLAUSE (Water):	
<p>Timbercrest is located within the boundaries of the North Harris County Regional Water Authority (the "NHCRA") which levies a pumpage fee on each 1,000 gallons of well water pumped by the Utility. A fee shall be added to each customer bill equal to the current NHCRA pumpage fee multiplied by the number of gallons used by the customer divided by 1,000 and multiplied by 10%.</p>		<p>Timbercrest is located within the boundaries of the North Harris County Regional Water Authority (the "NHCRA") which levies a pumpage fee on each 1,000 gallons of well water pumped by the Utility. A fee shall be added to each Commercial water customer's bill equal to the current NHCRA pumpage fee divided by 1 minus the water loss factor of 15%. The NHCRA pass through rate will be update as the fee changes per NHCRA notice.</p> <p>PTR = Pass Through Clause Rate Charged Per 1,000 Gallons CR = Current up to date NHCRA Pumpage Rate in Effect Loss Factor = 0.15 PTR = CR / (1-.15)</p>	

EXHIBIT A

EXHIBIT A

RESIDENTIAL SEWER - CURRENT BASE RATES		RESIDENTIAL SEWER - PROPOSED BASE RATES	
Monthly usage based winter average which includes the following months: December, January & February		Monthly usage based on actual usage	
SEWER -RESIDENTIAL-Meter Size Charge		SEWER -RESIDENTIAL-Meter Size Charge	
5/8" or 3/4"	\$15.00	5/8" or 3/4"	\$31.91
1"	\$26.25	1"	\$79.77
1 1/2"	\$63.75	1 1/2"	\$159.54
2"	\$83.75	2"	\$255.26
3"	N/A	3"	\$478.61
4"	N/A	4"	\$797.68
CURRENT GALLONAGE CHARGE (per 1,000 gallons)		PROPOSED GALLONAGE CHARGE (per 1,000 gallons)	
VOLUME	CHARGE	VOLUME	CHARGE
All Gallons	\$1.65/1000 gals.	All Gallons	\$0.00/1000 gals.
COMMERCIAL SEWER - CURRENT BASE RATES		COMMERCIAL SEWER - PROPOSED BASE RATES	
Monthly usage based on actual usage		Monthly usage based on actual usage	
SEWER -COMMERCIAL-Meter Size Charge		SEWER -COMMERCIAL-Meter Size Charge	
5/8" or 3/4"	\$15.00	5/8" or 3/4"	\$41.27
1"	\$26.25	1"	\$103.16
1 1/2"	\$63.75	1 1/2"	\$206.33
2"	\$83.75	2"	\$330.13
3"	N/A	3"	\$618.99
4"	N/A	4"	\$1,031.64
6"	N/A	6"	\$2,063.29
8"	N/A	8"	\$3,301.26
10"	N/A	10"	\$4,745.57
12"	N/A	12"	\$8,872.14
CURRENT GALLONAGE CHARGE (per 1,000 gallons)		PROPOSED GALLONAGE CHARGE (per 1,000 gallons)	
VOLUME	CHARGE	VOLUME	CHARGE
All Gallons	\$2.50/1000 gals.	All Gallons	\$0.94/1000 gals.
NO CHANGES TO MISCELLANEOUS FEES			

If applicable, list any bill payment assistance programs to low income ratepayers. NONE

JURAT

State/Commonwealth of FLORIDA

☐ City ☒ County of Leon)

On 11/10/2020, before me, Daniel Lee
Date *Notary Name*

the foregoing instrument was subscribed and sworn (or affirmed) before me by:

Tammy Shea

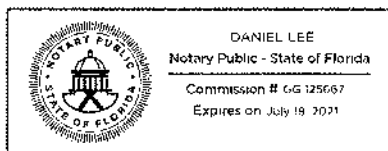
Name of Affiant(s)

☐ Personally known to me -- OR --

☐ Proved to me on the basis of the oath of _____ -- OR --
Name of Credible Witness

☒ Proved to me on the basis of satisfactory evidence: driver_license
Type of ID Presented

WITNESS my hand and official seal.



Notary Public Signature: [Signature]

Notary Name: Daniel Lee

Notary Commission Number: GG 125667

Notary Commission Expires: 07/18/2021

Notarized online using audio-video communication

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: Affidavit

Document Date: 11/10/2020

Number of Pages (including notarial certificate): 7