



Control Number: 50197



Item Number: 18

Addendum StartPage: 0



DOCKET NO. 50197

APPLICATION OF TIMBERCREST  
PARTNERS LLC FOR AUTHORITY TO  
CHANGE RATES

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PUBLIC UTILITY COMMISSION  
OF TEXAS

**ORDER NO. 5  
FINDING APPLICATION ADMINISTRATIVELY COMPLETE; SUSPENDING EFFECTIVE  
DATE; REQUIRING NOTICE; GRANTING MOTION TO DECLASSIFY; AND  
REQUESTING PROPOSED PROCEDURAL SCHEDULE**

This Order addresses the administrative completeness of the application of Timbercrest Partners LLC, addresses notice, and addresses Commission Staff's motion to declassify.

**I. Background**

On April 16 and 20, 2020, Timbercrest supplemented the application to cure deficiencies in response to Order No. 2, filing a portion of its cost trending study, specifically, a supporting spreadsheet, under confidential seal. On May 8, 2020, Commission Staff filed a motion to declassify the materials. No protective order had yet been issued in this docket.

In its May 15, 2020 response to Commission Staff's motion to declassify, Timbercrest argued in favor of the documents remaining under confidential seal and requested the entry of the Commission's standard protective order. In support, Timbercrest argued that the spreadsheet references proprietary indices (i.e., the Handy and Whitman indices) belonging to a third party.

In Order No. 4 filed on May 21, 2020, the administrative law judge (ALJ) granted Timbercrest's motion for entry of a protective order and required Commission Staff to reply to the arguments raised in Timbercrest's response concerning the declassification of documents.

On June 8, 2020, Commission Staff recommended that the application be deemed administratively complete, and that Timbercrest be required to provide new notice of the application to affected ratepayers, with the effective date modified so as to provide at least 35 days' notice. Commission Staff additionally replied to the arguments raised in Timbercrest's response to the motion to declassify, as directed.

## **II. Administrative Completeness; Requiring Notice and Suspension**

The ALJ finds the application administratively complete and sufficient for further review. Additionally, the ALJ requires the suspension of the effective date and directs Timbercrest to provide new notice to all affected ratepayers with a revised effective date so as provide at least 35 days' notice to the ratepayers from the date the new notice is provided. Timbercrest is ordered to refund any increases charged for services rendered prior to the revised effective date.

## **III. Granting Motion to Declassify**

Upon careful consideration of the arguments presented, Timbercrest has not convincingly demonstrated that the spreadsheet accompanying its cost trending study should be protected from public disclosure. Commission Staff convincingly demonstrated that materials referencing the Handy and Whitman indices have been filed non-confidentially in other dockets. Further, although the evidence reflects that the indices are copyrighted, the evidence demonstrates that the indices are available to the general public for purchase. Timbercrest has not convincingly demonstrated that any harm will likely occur from unredacted disclosure of the spreadsheet supporting the cost study. The ALJ grants Commission Staff's motion to declassify and directs Timbercrest to file the cost trending study unredacted and to provide a link to the location where the Handy and Whitman indices can be purchased and viewed by the public.

## **IV. Requesting Proposed Procedural Schedule**

On or before July 10, 2020, the ALJ requests Commission Staff to file a proposed procedural schedule for further processing of this docket.

**Signed at Austin, Texas the 29<sup>th</sup> day of June 2020.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**STEVEN LEARY**  
**ADMINISTRATIVE LAW JUDGE**