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APPLICATION OF TIMBERCREST
PARTNERS LLC FOR AUTHORITY TO
CHANGE RATES

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PUBLIC UTILITY COMMISSION
OF TEXAS

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**COMMISSION STAFF'S SECOND SUPPLEMENTAL RECOMMENDATION
ON NOTICE SUFFICIENCY AND PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Second Supplemental Recommendation on Notice Sufficiency and Proposed Procedural Schedule. In support thereof, Staff would show the following:

I. BACKGROUND

On January 17, 2020, Timbercrest Partners, LLC (Timbercrest) filed an application 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. On April 16, 2020, and April 20, 2020, Timbercrest filed supplemental information to its application.

On September 15, 2020, the ALJ filed Order No. 7, deeming notice deficient. On November 13, 2020, the ALJ filed Order No. 8, requiring Staff to file a second supplemental recommendation on notice sufficiency by December 4, 2020. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON NOTICE SUFFICIENCY

Staff has reviewed the supplemental proof of notice filed by Timbercrest on November 10, 2020 and recommends that it be found sufficient. Specifically, the notice now includes the actual number of ratepayers that equal 10% of the affected customers. Therefore, Staff recommends that the ratepayers received adequate notice of the number of protests that must be received in order for this docket to be referred to the State Office of Administrative Hearings for a hearing on the merits.¹

Further, Timbercrest mailed notice using the current Commission-approved notice form, titled "Class B and C Utility Notice of Proposed Rate Change." In addition, Timbercrest listed the same date, November 3, 2020, as the date notice was delivered on both the supplemental

¹ 16 Tex. Admin. Code § 24.35(c)(2) (TAC).

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notice and the Affidavit of Tammy R. Shea, filed with Timbercrest's supplemental notice. The supplemental notice also now includes reconciled amounts for the annual revenue increase for both water and sewer. Lastly, Timbercrest's new revised effective date, December 8, 2020, is at least 35 days after the date that the new notice was provided to ratepayers on November 3, 2020. Therefore, Staff recommends that Timbercrest's supplemental notice be found sufficient.

III. PROCEDURAL SCHEDULE

Staff proposes that the following procedural schedule be adopted:

Event	Date
Proposed effective date of rate change	December 8, 2020
Deadline to intervene, comment, or request a hearing (90 days from the Effective Date of December 8, 2020) ²	March 8, 2021
Deadline for Staff to request a hearing or file a recommendation on final disposition	March 15, 2021
Deadline for applicant to respond to Staff's recommendation or, if no disputed issues exist, deadline for parties to file proposed findings of fact, conclusions of law, and ordering paragraphs	March 22, 2021
Deadline for the Commission to set the matter for a hearing on its own motion (120th day after the effective date) ³	April 7, 2021

IV. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that notice be found sufficient and that the procedural schedule proposed above be adopted for the further processing of this docket.

² Pursuant to 16 Tex. Admin. Code § 24.35(c)(2) (TAC), if during the first 90 days after the effective date of the rate change, the Commission receives a complaint from any affected municipality, or protests from the lesser of 1,000 or 10% of the ratepayers of the utility over whose rates the Commission has original jurisdiction, the Commission shall set the matter for hearing.

³ 16 TAC § 24.35(c)(1).

Dated: December 4, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on December 4, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Taylor P. Denison
Taylor P. Denison