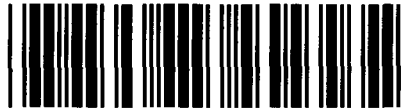


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TARIFF CONTROL NO. 50327

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**APPLICATION OF T&W WATER
SERVICE FOR PASS THROUGH
RATE CHANGE**

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§

PUBLIC UTILITY COMMISSION

UTILITY COMMISSION
FILING CLERK

OF TEXAS

**COMMISSION STAFF'S SUPPLEMENTAL
RECOMMENDATION ON SUFFICIENCY OF NOTICE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Supplemental Recommendation on Sufficiency of Notice. Staff recommends that the revised notice be found insufficient and that the applicant be given the opportunity to cure. In support thereof, Staff shows the following:

I. BACKGROUND

On December 9, 2019, T&W Water Service (T&W) (Applicant), operating under Certificate of Convenience and Necessity No. 12892, filed an application for approval of a pass-through rate change related to fees imposed by the Lone Star Groundwater Conservation District (LSGWD) pursuant to 16 Texas Administrative Code (TAC) § 24.25. The proposed pass-through rate change will adjust T&W's pass-through rate to \$0.03 per 1,000 gallons. The requested effective date for the rate change is January 1, 2020.

On January 6, 2020, the Commission Administrative Law Judge (ALJ) issued a notice granting Staff's Request for Extension, setting January 17, 2020 as the deadline for Staff to file a recommendation on the application, to address notice requirements, and to propose a procedural schedule, if necessary. On January 17, 2020 Staff filed its recommendation, recommending that the application be found sufficient, but that notice attached to the application be found insufficient and the applicant be given the opportunity to cure.

On January 24, 2020, the ALJ issued a notice finding the application administratively complete, but found the notice issued by T&W insufficient. That notice set a deadline of February 7, 2020 for T&W to remedy the deficiency identified in Staff's recommendation and file proof of revised notice to its customers, and a deadline of March 6, 2020 for Staff to file a supplemental recommendation on the sufficiency of the notice. Therefore, this pleading is timely filed.

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II. STAFF'S RECOMMENDATION

Staff has reviewed T&W's revised notice and recommends that it remain insufficient. Specifically, 16 TAC § 24.25(b)(2)(F)(ii) requires notice to contain the following language: "This tariff change is being implemented in accordance with the minor tariff changes allowed by 16 Texas Administrative Code § 24.25. The cost to you as a result of this change will not exceed the costs charged to your utility." 16 TAC § 24.25(b)(2)(F)(ii)(VI). T&W's notice contains the first sentence of the required language, as well as a portion of the second sentence, but fails to include the full statement¹, as mandated by the rules. Therefore, Staff recommends that notice remain insufficient. Staff further recommends that the application not be approved at this time, and that T&W be required to provide new notice.

III. PROPOSED PROCEDURAL SCHEDULE

Due to the deficiency in T&W's revised notice, Staff does not recommend a procedural schedule for evaluation of the merits at this time. Instead, Staff recommends that T&W be given until March 20, 2020 to cure the identified deficiency and provide a revised proof of notice to its customers, and that Staff be required to provide a supplemental recommendation by April 17, 2020.

IV. CONCLUSION

Staff respectfully requests the issuance of an order consistent with this recommendation.

¹ T&W's notice is missing the following language required by the rule: ". . . costs charged to your utility." 16 TAC § 24.25(b)(2)(F)(ii)(VI).

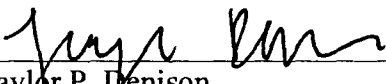
Dated: March 6, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

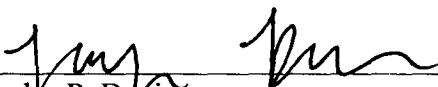


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TARIFF CONTROL NO. 50327

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 6, 2020, in accordance with 16 TAC § 22.74.



Taylor P. Denison