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TARIFF CONTROL NO. 50521

PUBLIC UTILITY COMMISSION
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APPLICATION OF MUNSON POINT	§	PUBLIC UTILITY COMMISSION
PROPERTY FOR A PASS-THROUGH	§	
RATE CHANGE	§	OF TEXAS

**ORDER NO. 4
MOTION TO DISMISS**

This Notice addresses the application of Munson Point Property for a pass-through rate change.

On June 26, 2020, Commission Staff filed a recommendation on the application. Commission Staff recommended that the application be denied because a pass-through application is not the proper forum for Munson to obtain approval of the rates it seeks as Munson's current tariff does not include a pass-through provision. Commission Staff recommended denial of the application because it is unclear what level of charges from the City of Denison Munson's current rates the increase is designed to recover. Commission Staff stated that it has worked with the Commission's Utility Outreach Division in communicating with Munson and asserted that the utility and its ratepayers would best be served by the filing of an application for a rate change, which would allow for a full review of all of Munson's cost such that the cost of purchased water could be accurately separated out of Munson's revenue requirement and recovered through a dedicated pass-through rate.

The undersigned administrative law judge (ALJ) was assigned this docket on December 4, 2020.

The ALJ is of the opinion that this matter should be dismissed under 16 TAC § 22.181(d)(8) because it fails to state a claim for which relief can be granted. The basis for dismissal and the material facts supporting dismissal under 16 TAC § 22.181(d)(8) are summarized in Commission Staff's June 26, 2020 recommendation, which is incorporated herein by reference. Furthermore, the ALJ agrees that a full review of Munson's costs through a rate change application is more appropriate to allow for recovery of Munson's actual pass-through costs through a dedicated pass-through rate.

Under 16 TAC § 22.181(a) and (e), dismissal of a proceeding may be made upon the motion of the ALJ. This Order constitutes such a motion.

If Munson wishes to respond to the motion, it must do so within 20 days of its receipt of this Order. In the alternative, Munson may submit a motion to withdraw its application.

Any response from Commission Staff is due January 18, 2021.

Signed at Austin, Texas the 9 day of December 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read "Katie Moore". The signature is written in a cursive style with a large, looping initial "K".

KATIE MOORE
ADMINISTRATIVE LAW JUDGE