



Control Number: 50569



Item Number: 74

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Executive Director

2022
105

Public Utility Commission of Texas

TO: All Parties of Record
FROM: Stephen Journeay, Commission Counsel
DATE: 21 January 2022
RE: January 27, 2022 Open Meeting – Item No. 14

Docket No. 50569 – *Application of MSEC Waste Water, Inc. for Authority to Change Rates.*

A proposed order in the above-referenced docket is posted for consideration and action by the Commission. If the Commission adopts the proposed order, proposed ordering paragraph 2 would approve the tariff filed in this docket by Commission Staff on August 26, 2021. The following corrections to that tariff should be made.

Section 2.03(B) - Tap or Reconnect Fees. The first sentence in the second paragraph should be modified as follows.

Fees in addition to the regular tap fee may be charged to cover unique costs not normally incurred as permitted by 16 TAC § 24.163(a)(1)(C) if they are listed on this approved tariff.

Section 3.02 – Costs Utilities and Service Applicants Shall Bear. The last sentence of the last paragraph should be modified as follows.

Contributions in aid of construction may not be required of individual residential customers for production, storage, treatment or transmission facilities unless otherwise approved by the Commission under this specific extension policy.

To effectuate these tariff changes, ordering paragraph 2 should be modified as follows:

2. The Commission approves the rates, terms, and conditions included in the tariff filed by Commission Staff on August 26, 2021, except as modified by the Commission Counsel memorandum filed in this docket on January 21, 2022, effective the date this Order is signed.

In addition, proposed conclusion of law 6 should be modified, and the following finding of fact, conclusions of law, and ordering paragraph should be added, to support a good-cause exception to the notice requirements of 16 TAC § 24.27(d)(1)(A).

6. MSEC complied with the requirement to provide public notice of the application as required by TWC § 13.1871, ~~16 TAC § 24.27(d)(1)~~, and the Administrative Procedure Act.

FOF. The facts that MSEC is a class D utility and the Office of Public Utility Counsel did not intervene or raise an objection after late notice was given constitute good cause to support granting an exception to the notice requirement under 16 TAC § 24.27(d)(1)(A), which requires a utility requesting a rate change to provide notice of the proposed change to the Office of Public Utility Counsel at least 35 days before the effective date of the proposed change.

COL. MSEC did not give notice of the application in compliance with the requirements of 16 TAC § 24.27(d)(1)(A).

COL. There is good cause under 16 TAC § 24.2(b) to grant an exception to the notice requirements of 16 TAC § 24.27(d)(1)(A).

OP. The Commission grants an exception to the notice requirements of 16 TAC § 24.27(d)(1)(A).

In addition, the following conclusion of law should be added to the proposed order.

XX. The affiliate costs included in the rates approved by this Order comply with the requirements of TWC § 13.185(e) and 16 TAC § 24.41(b).

Additionally, the Commission should delegate to the Office of Policy and Docket Management the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

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