

Control Number: 50569



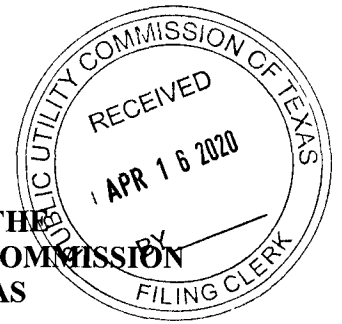
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DOCKET NO. 50569

APPLICATION OF MSEC WASTE WATER, INC. FOR AUTHORITY TO CHANGE RATES §
§
§

BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS BY FILING CLERK



**MSEC WASTE WATER, INC.’S
OBJECTION TO COMMISSION STAFF’S RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS**

COMES NOW, MSEC Waste Water, Inc. (MSEC WW or Applicant) and files this Objection to Commission Staff’s Recommendation on Administrative Completeness and Notice.

On April 15, 2020, the Staff of the Public Utility Commission (Staff) filed its recommendation concerning the administrative completeness of the Application for a rate change filed by MSEC WW. In its recommendation, Staff did not identify any portions of the rate filing that were deficient or not in compliance with the rate filing package developed by the Commission. Instead, Staff took issue with the merits of the Application and recommended that MSEC WW be required to provide information that should more appropriately be requested in the discovery process. As such, Staff is exceeding the scope of a review of administrative completeness and is improperly challenging the merits of the Application itself.

The Commission’s rules provide that “if the commission determines that any deficiencies exist in an application, statement of intent, or other requests for commission action..., the application or filing may be rejected and the effective date suspended, as applicable, until the deficiencies are corrected.” 16 Tex. Admin. Code (TAC) § 24.8(b).

Staff pointed to no deficiencies in the Application – there are no missing schedules, no unanswered questions, no lack of information required to be provided. Thus, the Application should be deemed complete and ready for a review of the merits.

But, Staff has started its review of the merits under the guise of determining completeness of the Application. In its Application, MSEC WW identified the number of customers it serves, it identified its parent company, and it provided in work papers the various agreements it has with its parent regarding the provision of services to the utility by the parent.

9

Staff has chosen to request additional information not required by the rate filing package, such as an organizational chart, a cost allocation manual, and a written “explanation referencing the Texas Water Code and the Commission rules as to why the Applicant filed as a Class D utility.” No citations to the rate filing package for this additional information are given. If Staff desires to question the merits of the filing, it should do so at the appropriate time.

MSEC Waste Water, Inc., respectfully requests that Staff’s recommendation on completeness be rejected, and that in the absence of any identified deficiencies in the Application, the Application be declared administratively complete.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

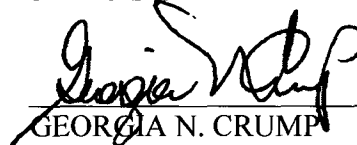
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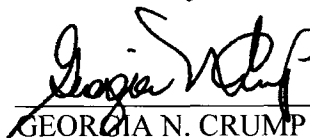


GEORGIA N. CRUMP
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ATTORNEYS FOR MSEC WASTE WATER,
INC.

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 April 16, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.



GEORGIA N. CRUMP