

Control Number: 50788



Item Number: 7

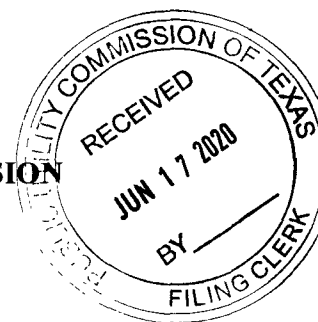
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DOCKET NO. 50788

RATEPAYERS APPEAL OF THE  
DECISION BY WINDERMERE  
OAKS WATER SUPPLY  
CORPORATION TO CHANGE  
WATER AND SEWER RATES

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PUBLIC UTILITY COMMISSION  
OF TEXAS



**COMMISSION STAFF’S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS AND REQUEST FOR REFERRAL**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Request for Extension. In support, Staff shows the following:

**I. BACKGROUND**

On April 27, 2020, Josephine Fuller, individually and on behalf of the ratepayers of the Windermere Oaks Water Supply Corporation (Petitioners or Ratepayers), filed a petition under Texas Water Code (TWC) § 13.043(b) appealing the decision by Windermere Oaks Water Supply Corporation (Windermere Oaks) to change its water and sewer rates. On April 30, 2020, Petitioners filed an amended petition, and on May 27, 2020, Windemere Oaks filed its response to the Petition.

On May 28, 2020, the Administrative Law Judge (ALJ) issued Order No. 2, which established a deadline of June 17, 2020 for Staff to file a recommendation on the administrative completeness of the petition and for Petitioners, Windemere Oaks, and Staff (collectively, the Parties) to propose a procedural schedule. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

Pursuant to TWC § 13.043(b) and 16 Texas Administrative Code (TAC) § 24.101(b), an appeal by ratepayers of a utility’s rates must be filed within 90 days after the effective date of the rate change. Here, the effective date of Windemere Oaks’s rate change is March 23, 2020, and the appeal was filed on April 27, 2020, 35 days after the effective date. Furthermore, TWC § 13.043(c) and 16 TAC § 24.101(b) require that the petition be signed by the lesser of either 10,000 or 10% of those ratepayers whose rates have been changed and are eligible to appeal.

As indicated in the attached memoranda of Heidi Graham of the Commission’s Infrastructure Division and Maxine Gilford of the Commission’s Rate Regulation Division, Staff

has confirmed that the petition includes the information required by TWC §§ 13.043(b) and (c) and 16 TAC § 24.101(b). Therefore, Staff recommends that the Ratepayers' petition be found administratively complete.

### **III. REQUEST FOR REFERRAL**

Because the Ratepayers' petition meets the threshold established in TWC §§ 13.043(b) and (c) and the requirement of 16 TAC § 24.101(b) and because Staff believes that there are questions of fact and law that require the development of an evidentiary record, Staff recommends that this proceeding be referred to the State Office of Administrative Hearings (SOAH) for a hearing on the merits. Accordingly, Staff does not propose a procedural schedule at this time. Should the Commission refer this proceeding to SOAH, Staff anticipates working with the Ratepayers and Windemere Oaks to reach an agreed-upon procedural schedule prior to a prehearing conference.

### **IV. CONCLUSION**

For the reasons discussed above, Staff respectfully recommends that the petition be found administratively complete and that this docket be referred to SOAH for a hearing on the merits.

Dated: June 17, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**CERTIFICATE OF SERVICE**

I hereby certify that, unless otherwise ordered by the presiding officer, a true and correct copy of the foregoing document was transmitted by electronic mail to the parties of record on June 17, 2020 in accordance with the Order Suspending Rules issued in Docket No. 50664.

/s/ Merritt Lander  
Merritt Lander

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Merritt Lander, Attorney  
Legal Division

**FROM:** Maxine Gilford, Financial Analyst  
Rate Regulation Division

**DATE:** June 17, 2020

**SUBJECT:** **Docket 50788** – *Ratepayers Appeal of the Decision by Windermere Oaks Water Supply Corporation to Change Water and Sewer Rates*

On April 27, 2020, certain ratepayers (Petitioners) of the Windermere Oaks Water Supply Corporation (the Corporation) filed a petition under Texas Water Code (TWC) § 13.043(b) to appeal water and wastewater rates approved by the Corporation's 2020 Board of Directors. These rates took effect on March 23, 2020.

More than 10% of the ratepayers have signed the petition appealing the rates and the petition was filed within 90 days after the date of notice of the decision was received by the Petitioners.

Based on the information in the petition, Staff recommends that the petition be considered administratively complete and sufficient for filing.

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Merritt Lander, Attorney  
Legal Division

**FROM:** Heidi Graham, Program Specialist  
Infrastructure Division

**DATE:** June 17, 2020

**SUBJECT:** **Docket 50788** – *Ratepayers Appeal of the Decision by Windermere Oaks Water Supply Corporation to Change Water and Sewer Rates*

On April 27, 2020, ratepayers of the Windermere Oaks Water Supply Corporation (WSC) filed a petition under Texas Water Code (TWC) § 13.043(b) to appeal water and wastewater rates approved by the WSC's Board of Directors. The rates took effect on March 23, 2020.

According to the petition, there are 250 ratepayers of Windermere WSC and 52 ratepayers signed the petition. Therefore, more than 10% of the ratepayers signed the petition. In addition, the petition was filed within 90 days after the date of notice of the decision was received by the ratepayers.

Based on the information in the petition, Staff recommends that the petition be considered administratively complete and sufficient for filing.