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**DOCKET NO. 51279**

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**APPLICATION OF GREEN ACRES MHP- §  
RIVERVIEW ESTATES FOR A CLASS D §  
RATE ADJUSTMENT §**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S CLARIFICATION IN RESPONSE TO ORDER NO. 3**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 3, files this clarification. In support thereof, Staff shows the following:

**I. BACKGROUND**

On September 14, 2020, Green Acres Mobile Home Park-River View Estates (Green Acres) filed an application for a Class D rate adjustment under Texas Water Code (TWC) § 13.1872 and 16 Texas Administrative Code (TAC) § 24.49. Green Acres holds water certificate of convenience and necessity (CCN) No. 11785. Green Acres filed supplemental information on September 23, 2020, and on November 2 and 10, 2020.

On November 2, 2020, the administrative law judge (ALJ) filed Order No. 3, requiring the parties to confer and file clarification as to whether Green Acres' September 14, 2020 application is intended to adjust rates for calendar year 2019 or 2020. Order No. 3 further states that if Green Acres intends to change rates for 2019, Commission Staff must file by November 13, 2020, a revised recommendation addressing whether legal authority exists that would allow the Commission to grant a good cause exception to the requirements in Texas Water Code (TWC) § 13.1872. Therefore, this pleading is timely filed.

**II. STATEMENT OF CLARIFICATION**

Staff has reviewed the filings made by Green Acres on November 2 and 10, 2020. In the November 10, 2020 filing, Green Acres expressly states: "For clarification, this rate change I am asking for it [*sic*] be applied to the year 2020."<sup>1</sup> Staff has conferred with Green Acres and based upon that discussion and the November 10, 2020 filing, Staff recommends that this docket proceed as a rate adjustment for the calendar year 2020 rather than the calendar year 2019. Although 16 TAC § 24.49(f)(1) limits a Class D utility to one rate adjustment per year, and a

<sup>1</sup> Clarification of Rate Year to be 2020 (Nov. 11, 2020)

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total of four rate adjustments between full base rate cases filed under TWC § 13.1872(c)(2), there is nothing that requires that the four annual rate adjustments happen in consecutive years.

As Green Acres has specified that this is not requesting a rate adjustment for calendar year 2019, Staff does not present a revised recommendation addressing whether legal authority exists that would allow the Commission to grant a good cause exception to the requirements in TWC § 13.1872.

### **III. COMMENTS ON PROCEDURAL SCHEDULE**

Consistent with the foregoing, and with Staff's recommendation on administrative completeness, notice, and final disposition filed on October 14, 2020, Staff does not recommend modifying the procedural schedule adopted in Order No. 2. Staff therefore requests that Green Acres issue notice on December 4, 2020 and that the effective date for the rate change remain as January 3, 2021

### **IV. CONCLUSION**

For the reasons stated above, Staff recommends that the application be deemed a rate adjustment for calendar year 2020. Staff further requests that the procedural schedule adopted in Order No. 2 be affirmed.

**Dated: November 13, 2020**

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**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 November 13, 2020 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison  
John Harrison