



Control Number: 51843



Item Number: 21

Peter M. Lake
Chairman

Will McAdams
Commissioner

Lori Cobos
Commissioner

Thomas J. Gleeson
Executive Director



Greg Abbott
Governor

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Public Utility Commission of Texas

TO: Peter M. Lake, Chairman
Will McAdams, Commissioner
Lori Cobos, Commissioner

All Parties of Record

FROM: Stephen Journeay, Commission Counsel *4 permission*

DATE: 23 July 2021

RE: July 29, 2021 Open Meeting – Item 4
Docket No. 51843 – *Application of CSWR-Texas Utility Operating Company, LLC for Temporary Rates for a Nonfunctioning Utility*

A proposed order in the above referenced docket is posted for consideration and action by the Commission. If the Commission approves the proposed order, I recommend the following changes.

Findings of fact 5 and 6 should be modified for accuracy.

5. Farrar Water does not possess a water certificate of convenience and necessity for its service area because the Commission revoked its certificate on November 20, 2015 in Docket No. 44948~~it was revoked.~~^x
6. Farrar Water has a water tariff on file with the Commission that was approved in Docket No. 45159~~Farrar Water does not have a water tariff on file with the Commission.~~

Finding of fact 21 should be modified for accuracy.

21. Commission Staff's recommended tariff includes a minimum monthly rate of \$48.69 per connection for all meter sizes, ~~with 2,000 gallons included,~~ and a gallonage charge of \$1.80 per 1,000 gallons. The gallonage charge was calculated using an updated connection count of 22 connections.

Findings of fact 24 and 25 should be deleted because they not findings of fact and are unnecessary to support the order.



~~24. The temporary rates and temporary manager's fee will remain in effect until the Commission orders otherwise.~~

~~25. The temporary rates will remain in effect even in the event that a new temporary manager or receiver is appointed.~~

Conclusion of law 7 should be deleted because it is not a conclusion of law and it is unnecessary to support the order and because it is inconsistent with TWC § 13.046(c).

~~7. Under TWC § 13.046(c), CSWR Texas is hereby given a reasonable time to bring the nonfunctioning system into compliance with Commission rules, including the requirement of obtaining a certificate of convenience and necessity.~~

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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