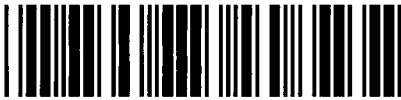




Control Number: 51915



Item Number: 7

Addendum StartPage: 0

APPLICATION OF OAK HILL § PUBLIC UTILITY COMMISSION
ESTATES WATER COMPANY FOR A §
PASS THROUGH RATE CHANGE § OF TEXAS

JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

On March 19, 2021, Oak Hill Estates Water Company (Oak Hill), water certificate of convenience and necessity number 12861, filed an application to implement a pass-through rate change in accordance with 16 Texas Administrative Code (TAC) § 24.25 to reflect the increase in the water usage fees charged by the North Harris County Regional Water Authority. Oak Hill requests to increase the pass-through rate by \$0.34, from \$4.83 to \$5.17 per 1,000 gallons of water. The requested effective date for the increase is April 1, 2021.

On May 3, 2021, the administrative law judge (ALJ) filed Order No. 3, finding the application administratively complete and notice sufficient and requiring Oak Hill and Staff of the Public Utility Commission (Commission Staff) (collectively, the Parties) to file joint proposed findings of fact and conclusions of law by May 24, 2021. Therefore, this pleading is timely filed.

I. MOTION TO ADMIT EVIDENCE

The Parties move to admit the following items into the record of this proceeding:

- a) Oak Hill’s application for a pass-through rate change filed on March 19, 2021 (Interchange Item No. 1); and
- b) Commission Staff’s Recommendation on the Application and Notice (Interchange Item No. 5).

II. PROPOSED NOTICE OF APPROVAL

The Parties respectfully request that the attached Joint Proposed Notice of Approval be adopted.

III. CONCLUSION

The Parties respectfully request that an order be issued granting this Motion to Admit Evidence and adopting the attached Proposed Notice of Approval.

Dated: May 24, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

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TARIFF CONTROL NO. 51915

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 May 24, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Arnett D. Caviel
Arnett D. Caviel

TARIFF CONTROL NO. 51915

APPLICATION OF OAK HILL § PUBLIC UTILITY COMMISSION
ESTATES WATER COMPANY FOR A §
PASS THROUGH RATE CHANGE § OF TEXAS

JOINT PROPOSED NOTICE OF APPROVAL

This Notice of Approval addresses Oak Hill Estates Water Company’s (Oak Hill) application for approval of a pass-through rate change for water usage fees assessed by the North Harris County Regional Water Authority (NHCRWA). The Commission approves the increase from \$4.83 per 1,000 gallons of water to \$5.17 per 1,000 gallons of water. The requested effective date for the increase is April 1, 2021.

I. Findings of Fact

The Commission makes the following findings of fact:

Applicant

1. Oak Hill is a domestic limited liability company registered with the Texas secretary of state under filing number 801149623.
2. Oak Hill provides water services under certificate of convenience and necessity (CCN) number 12861 in Harris county, Texas.
3. Oak Hill owns and operates a public water system registered with the Texas Commission on Environmental Quality (TCEQ) under identification number 1013045.

Application

4. On March 19, 2021, Oak Hill filed an application to implement a pass-through rate change provision in its approved tariff for customers in the Oak Hill Estates subdivision.
5. Effective April 1, 2021, NHCRWA increased the water usage fee it bills Oak Hill from \$4.25 to \$4.60 per 1,000 gallons. The application provided calculations showing that, based on the water usage fee increased charged by NHCRWA and the approved tariff formula, the pass-through gallonage fee charged to Oak Hill’s customers in the Oak Hill Estates subdivision should, accordingly, increase from \$4.83 per 1,000 gallons to \$5.17 per 1,000 gallons.
6. The application contained the affected CCN number, the affected subdivisions, the public water system name and corresponding number issued by the TCEQ, a copy of the notice to the customers, documentation supporting the stated amounts of any new or modified

pass-through costs, historical documentation of line loss for one year, all calculations and assumptions for any true-up of pass-through costs, the calculations and assumptions used to determine the new rates, a true-up report, and a copy of the pages of the utility's tariff that contain the rates that will change if the utility's application is approved.

6. In Order No. 3 filed on May 3, 2021, the administrative law judge (ALJ) found the application administratively complete and notice sufficient.

Notice

7. On March 19, 2021, Oak Hill included with its application a copy of the proposed notice provided to customers in the Oak Hill Estates subdivision on March 18, 2021, detailing the proposed pass-through gallonage charge increase.
8. The notice contained the effective date of the change, the present calculation of customer billings, the new calculation of customer billings, the change in charges to Oak Hill for purchased water, and the following language: "This tariff change is being implemented in accordance with the minor tariff changes allowed by 16 Texas Administrative Code (TAC) § 24.25. The cost to you as a result of this change will not exceed the costs charged to your utility."
9. On May 3, 2021, the ALJ found the notice sufficient.

Jurisdiction—Texas Water Code (TWC) § 13.002(19), 13.041

10. Oak Hill is a retail public utility that purchases water.
11. Oak Hill is under the original jurisdiction of the Commission.

Eligibility for Pass-Through Rate Change—16 TAC § 24.25

12. The proposed charge is not included in the cost of service used to calculate the rates in the currently-approved tariff.
13. The proposed charge will pass through only the actual increase in costs charged to Oak Hill by NHCRWA and does not duplicate costs otherwise charged to customers under the current tariff.

Tariff

14. Oak Hill's current NHCRWA pass-through fee was approved by the Commission on July 15, 2020 in Tariff Control No. 50487.¹ The current tariff prescribes a formula by which the adjusted Oak Hill pass-through gallonage charge is to be calculated.
15. On May 3, 2021, Commission Staff filed a proposed tariff as an attachment to its recommendation. The proposed tariff reflects the approval of the proposed NHCRWA pass-through gallonage charge increase.

Informal Disposition

16. More than 15 days have passed since the completion of the notice provided in this docket.
17. No person filed a protest or motion to intervene.
18. Commission Staff and Oak Hill are the only Parties to this proceeding.
19. No party requested a hearing and no hearing is needed.
20. Commission Staff recommended approval of the application.
21. The decision is not adverse to any party.

II. Conclusion of Law

The Commission makes the following conclusions of law:

1. Oak Hill is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(31).
2. The Commission has authority over the application under TWC § 13.041.
3. The Commission may approve this minor change to Oak Hill's water tariff under 16 TAC § 24.25(b)(2)(A)(vii).
4. Notice of the application was provided in compliance with 16 TAC § 24.25(b)(2)(F).
5. The Commission processed the application as required by the TWC, the Administrative Procedure Act,² and Commission rules.
6. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.
7. The application meets the requirements set forth in 16 TAC § 24.25

¹ *Application of Oak Hill Estates Water, for a Pass-Through Rate Change, Tariff Control No. 50487, Notice of Approval (July 15, 2020).*

² Tex. Gov't Code Ann. §§ 2001.001-.903.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission approves a pass-through rate increase from \$4.83 to \$5.17 per 1,000 gallons for customers in the Oak Hill Estates subdivision, effective April 1, 2021.
2. The Commission approves the tariff filed by Commission Staff on May 3, 2021.
3. Within ten days after the date of this Notice of Approval, Commission Staff must provide a clean copy of the tariff approved in this Notice of Approval to central records to be marked *Approved* and filed in the Commission's tariff book.
4. If Oak Hill collects an amount as a result of this pass-through rate increase that is higher than the purchased water costs incurred, Oak Hill must refund any amounts collected in excess of the purchased water costs.
5. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the _____ day of _____, 2021

PUBLIC UTILITY COMMISSION OF TEXAS

CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE