

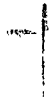


Control Number: 51915



Item Number: 9

Addendum StartPage: 0



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TARIFF CONTROL NO. 51915

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

**NOTICE OF APPROVAL**

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

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Applicant**

1. Oak Hill is a Texas limited liability company registered with the Texas secretary of state under filing number 801149623.
2. Oak Hill holds water certificate of convenience and necessity (CCN) number 12861 that obligates Oak Hill to provide retail water service in its certificated service area including in Harris County.
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 the application at issue in this proceeding.
5. In its application, Oak Hill seeks an adjustment to the pass-through clause in its approved tariff. Specifically, Oak Hill seeks to increase the NHCRWA pass-through fee from \$4.83 per 1,000 gallons to \$5.17 per 1,000 gallons.

6. The requested change is the result of NHCRWA's increase in the water usage fee it bills Oak Hill from \$4.25 per 1,000 gallons to \$4.60 per 1,000 gallons. The increase by NHCRWA became effective on April 1, 2021.
7. The application contained the affected CCN number, the affected subdivision, 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, 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.
8. In Order No. 3 filed on May 3, 2021, the administrative law judge (ALJ) found the application administratively complete.

**Notice**

9. On March 19, 2021, Oak Hill included with its application a copy of the notice it provided to its customers in the Oak Hill Estates subdivision on March 18, 2021, detailing the proposed pass-through gallonage charge increase.
10. The notice contained the effective date of the change, the present calculation of customer billings, the new calculation of customer billings, the change in NHCRWA 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."
11. In Order No. 3 filed on May 3, 2021, the ALJ found the notice sufficient.

**Jurisdiction—Texas Water Code (TWC) §§ 13.002(23), 13.041**

12. Oak Hill is a utility that purchases water.
13. Oak Hill is under the original jurisdiction of the Commission.

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

14. 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**

15. Oak Hill's current NHCRWA pass-through fee was approved by the Commission on July 15, 2020, in Tariff Control No. 50487.<sup>1</sup>
16. On May 3, 2021, Commission Staff filed a proposed tariff as an attachment to its recommendation on the application and notice.

**Evidence**

17. On May 24, 2021, Commission Staff and Oak Hill filed a joint motion to admit evidence and proposed notice of approval.
18. In Order No. 4 filed on May 27, 2021, the ALJ admitted the following evidence into the record of this proceeding: (a) Oak Hill's application for a pass-through rate change and all attachments filed on March 19, 2021; and (b) Commission Staff's recommendation on the application and notice and all attachments filed on May 3, 2021.

**Informal Disposition**

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

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

## II. Conclusions 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), and a utility as defined in TWC § 13.002(23) and 16 TAC § 24.3(39).
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)(ii).
5. The Commission processed the application as required by the TWC, the Administrative Procedure Act,<sup>2</sup> 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.

## 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 per 1,000 gallons 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.

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<sup>2</sup> Tex. Gov't Code §§ 2001.001-.903.

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 1st day of June 2021.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**CHRISTINA DENMARK  
ADMINISTRATIVE LAW JUDGE**

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