



Filing Receipt

Received - 2021-09-17 01:57:05 PM
Control Number - 52032
ItemNumber - 20

TARIFF CONTROL NO. 52032

**APPLICATION OF INLINE
DEVELOPMENT INC. FOR A PASS
THROUGH RATE CHANGE**

**§
§
§**

**PUBLIC UTILITY COMMISSION

OF TEXAS**

NOTICE APPROVING INTERIM RATES

This Notice addresses the joint motion to set interim rates filed by Inline Development Inc. and Commission Staff on August 20, 2021.

On July 22, 2021, the administrative law judge (ALJ) abated this proceeding in response to Commission Staff's July 19, 2021 motion to abate. Commission Staff stated that there was some confusion as to the current active entity for this application along with the associated tariff, map, and certificate. Commission Staff recommended that Inline Development file and complete a sale, transfer, or merger application to transfer certificate of convenience and necessity number 12946 from the now defunct Inline Development Corporation to the active entity, Inline Utilities, LLC. This case was abated pending resolution of the sale, transfer, or merger docket.

On August 20, 2021, the parties jointly filed a motion to set interim rates under Texas Water Code (TWC) § 13.187(*I*) and 16 Texas Administrative Code (TAC) § 24.37(d).¹ The parties jointly request that the rates listed in an Interim Tariff, which is found at exhibit A included with the joint motion, be approved on an interim basis effective August 25, 2021, and to remain in effect until a final determination is made on the proposed pass-through rate. In the joint motion, Inline Development and Commission Staff stated that Inline Development has been bearing the cost of North Harris County Regional Water Authority's increased water use fee, which it normally may pass through to its customers under 16 TAC § 24.25(b)(2)(C); therefore, the failure to set interim rates results in an unreasonable economic hardship on Inline Development. Inline Development and Commission Staff are the only parties to this proceeding and no hearing on the motion for interim rates has been requested.

¹ The parties seek approval of the interim rates under 16 TAC § 24.37(a) and (d). 16 TAC § 24.37(a) relates to interim rates in appeals cases under TWC § 13.043. This case is being brought under TWC § 13.041. Therefore, TWC § 13.043 and 16 TAC § 24.37(a) are inapplicable to this case.

Under 16 TAC § 24.37(d), interim rates may be established by the Commission in those cases under the Commission's original or appellate jurisdiction where failure to set interim rates could result in an unreasonable economic hardship on the utility.

The ALJ finds that the request for interim rates is agreed to by all parties and that Inline Development has met its burden of proof and shown that failure to set interim rates could result in an unreasonable economic hardship on Inline Development, consistent with 16 TAC § 24.37(d). Accordingly, the ALJ grants the parties' joint motion and approves the Interim Tariff, which is found at exhibit A included with the joint motion, effective August 25, 2021. The interim rates will be subject to refund or credit against future bills pursuant to 16 TAC § 24.37(h) to the extent they differ from the rates that the Commission ultimately approves in this docket.

Inline Development must provide a notice to its customers including the interim rates set by the Commission with the first billing at the interim rates with the following wording: "The presiding officer has established the following interim rates to be in effect until the final decision on the requested rate change or until another interim rate is established," as required under 16 TAC § 24.37(j). By October 15, 2021, Inline Development must file proof of notice to its customers and Commission Staff must file a recommendation on the notice by October 29, 2021.

Within 10 days of the date this Notice is signed, Inline Development, Inc. must file a clean copy of its tariff incorporating the interim rates approved by this Notice.

Signed at Austin, Texas the 17th day of September 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE