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DOCKET NO. 52226

PETITION BY OUTSIDE CITY	§	PUBLIC UTILITY COMMISSION
RATEPAYERS APPEALING THE	§	
WATER RATES ESTABLISHED BY	§	OF TEXAS
THE CITY OF MELVIN	§	

**COMMISSION STAFF’S REPLY TO CITY OF MELVIN’S RESPONSE TO ORDER
NO. 8**

On June 10, 2021, certain ratepayers (Petitioners) outside the City of Melvin (Melvin) filed, under Texas Water Code (TWC) § 13.043(b)(3) and 16 Texas Administrative Code (TAC) § 24.103(c)(3), a petition appealing the water rates approved by Melvin City Council on January 18, 2021.

On February 22, 2023, the administrative law judge (ALJ) filed Order No. 8, establishing a deadline of March 7, 2023 for Melvin, the Petitioners, and the Staff (Staff) of the Public Utility Commission of Texas (Commission) (collectively, the Parties) to file joint comments on the existing payment schedule and amounts, and what, if any, steps can be taken to ensure a timelier approach is realized in completing the refunds. On March 2, 2023, Melvin filed a response to Order No. 8 stating that it would refund the total remaining amounts owed and provided documentation that such amounts are being credited to the accounts of the remaining ratepayers who are still owed refunds, as well as one check being written to a ratepayer who is no longer a customer. Therefore, Staff files this pleading in reply to Melvin’s response to Order No. 8.

I. REPLY TO MELVIN

Staff has reviewed Melvin’s response to Order No. 8 and recommends that Melvin’s method of issuing the refunds is reasonable. Staff however recommends that Melvin be ordered to file a copy of the city council agenda and minutes for the meeting during which the method for refunds was discussed and approved. Further, Staff also recommends that Melvin be ordered to file proof that full refunds have been realized. Specifically, while the Audit History documents for each existing ratepayer that are owed refunds show that such ratepayers have an adjustment on their accounts associated with the refund amounts still owed, Staff recommends that, until such

refunds have been fully applied and credited against future bills, Melvin has not proven that full refunds have been issued to these ratepayers. As such, Staff recommends that Melvin be ordered to file documentation and an affidavit to substantiate and attest that full refunds have been realized by the ratepayers and that Melvin be given a deadline of May 1, 2023 to comply with such an order. Staff further recommends that the Petitioners and Staff be given a deadline of May 8, 2023 to file a response, if necessary.

II. CONCLUSION

For the reasons detailed above, Staff respectfully request the entry of an order consistent with the above recommendations.

Dated: March 9, 2023

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 March 9, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles