



## **Filing Receipt**

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**DOCKET NO. 52226**

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

**COMMISSION STAFF’S REPLY TO CITY OF MELVIN’S RESPONSE TO ORDER  
NO. 9**

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 March 13, 2023, the administrative law judge (ALJ) filed Order No. 9, establishing a deadline of May 1, 2023, for Melvin to file a copy of the city council agenda and minutes for the meeting during which the method for refunds was discussed and approved and to file proof that full refunds have been made. Order No. 9 also established a deadline of May 8, 2023, for the Petitioners, and the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file responses to the documentation and attestation filed by Melvin. On April 27, 2023, Melvin filed a response to Order No. 9 stating that it had refunded 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 and included an attestation from the mayor confirming that statement and city council minutes showing approval of the refunds. Therefore, Staff files this pleading in reply to Melvin’s response to Order No. 9.

**I. REPLY TO MELVIN**

Staff has reviewed Melvin’s response to Order No. 9 and attachments thereto and recommends that Melvin has sufficiently demonstrated that full refunds have been realized, excepting that Staff is unable to confirm one customer, to whom a check was sent, has cashed the check and realized the refund. Nevertheless, Staff recommends the Commission find that Melvin has sufficiently complied with Order No. 9.

Furthermore, based on Staff's recommendation that Melvin has sufficiently complied with Order No. 9, Staff believes that Melvin's motion to dismiss should be granted as dismissal is appropriate under 16 TAC §§ 22.181(d)(2, 11), and that dismissal without a hearing is appropriate as the facts supporting such dismissal are uncontested.

## **II. CONCLUSION**

For the reasons detailed above, Staff respectfully request the entry of an order consistent with the above recommendations and dismissal of the petition and the closure thereof.

Dated: May 8, 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 May 8, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin Pierce

Kevin Pierce