



## Filing Receipt

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**DOCKET NO. 52883**

<b>RICHARD T. LEE’S APPEAL OF THE</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>COST OF OBTAINING SERVICE FROM</b>	<b>§</b>	
<b>AQUA WATER SUPPLY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CORPORATION</b>	<b>§</b>	

**COMMISSION STAFF’S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS, NOTICE, AND PROPOSED PROCEDURAL SCHEDULE**

On November 23, 2021, Richard T. Lee (Mr. Lee) filed an appeal of the cost of obtaining service from Aqua Water Supply Corporation (Aqua WSC) under Texas Water Code (TWC) § 13.043(g) and 16 Texas Administrative Code (TAC) § 24.101(g).

On November 29, 2021, the administrative law judge filed Order No. 1, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation regarding the administrative completeness of the application by December 23, 2021. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

In accordance with TWC § 13.043(g) and 16 TAC § 24.101(g), an applicant for service from a water supply corporation may appeal to the Commission a decision of the water supply corporation affecting the amount to be paid to obtain service other than regular membership or tap fees. These provisions require that the appeal be initiated within 90 days of the date written notice was provided by the water supply corporation to the applicant of the decision relating to the applicant’s request for service. As supported by the attached memorandum of Sherryhan Ghanem of the Commission’s Infrastructure Division, Mr. Lee has satisfied this requirement.

Mr. Lee filed this petition using the approved Commission form for the “Appeal of the Cost of Obtaining Service from a Water Supply Corporation.” While the parties may need to develop additional facts in this proceeding, Staff has reviewed the material submitted and recommends that the petition be deemed administratively complete for further processing on the merits.

**II. NOTICE**

Notice in this proceeding is governed by 16 TAC § 22.55. Staff recommends that the only entity affected by this appeal is Aqua WSC, and therefore, it is reasonable to require Mr. Lee to

provide notice to Aqua WSC. It is unclear from Mr. Lee's application whether a copy of the appeal was mailed to Aqua WSC. If Mr. Lee did not mail a copy, Staff recommends that they be ordered to do so and to file proof of notice thereafter. As such, Staff recommends that Mr. Lee be ordered to file proof that notice of this appeal was provided to Aqua WSC by December 30, 2021.

### **III. CONCLUSION**

For the reasons detailed above, Staff recommends that the application be found administratively complete, and that Mr. Lee be ordered to file proof of notice by December 30, 2021. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: December 23, 2021

Respectfully submitted,

#### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

/s/ Anthony Kanalas  
Anthony Kanalas  
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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 December 23, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Anthony Kanalas  
Anthony Kanalas

# *Public Utility Commission of Texas*

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## **Memorandum**

**To:** Anthony Kanalas, Attorney  
Legal Division

**From:** Sherryhan Ghanem, Engineering Specialist  
Infrastructure Division

**Date:** December 20, 2021

**RE:** **Docket No. 52883**, *Appeal of Richard T. Lee of the Cost of Obtaining Service from Aqua Water Supply Corporation*

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On November 23, 2021, Richard T. Lee (Appellant) filed with the Public Utility Commission of Texas an appeal of the cost of obtaining service from Aqua Water Supply Corporation (WSC) pursuant to Texas Water Code (TWC) § 13.043(g) and 16 Texas Administrative Code § 24.101(g).

An appeal under TWC §13.043(g) must be initiated within 90 days after written notice of the amount to be paid to obtain service is provided to the service applicant or member of the decision of an affected county or water supply or sewer service corporation affecting the amount to be paid to obtain service as requested in the applicant's initial request for that service. The Appellant submitted an estimate for the construction and installation of a new water meter connection in the amount of \$22,870 (\$1,200 already paid by the Appellant for a feasibility study and \$21,670 outstanding to be paid by the Appellant); a letter from the WSC Development Services Manager containing their engineer's recommendation; and a survey plat of the Appellant's property.

The written notice of the amount to obtain service was provided to the Appellant by the WSC on November 8, 2021. The Appellant filed the appeal on November 23, 2021, which meets the 90-day filing requirement.

Staff has reviewed the information provided by the Applicant and recommends the application be deemed sufficient for filing.