



## Filing Receipt

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**Control Number - 53173**  
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## **TARIFF CONTROL NO. 53173**

<b>APPLICATION OF SJWTX, INC. DBA</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>CANYON LAKE WATER SERVICE</b>	<b>§</b>	
<b>COMPANY FOR A PASS-THROUGH</b>	<b>§</b>	<b>OF TEXAS</b>
<b>RATE CHANGE</b>	<b>§</b>	

### **JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL**

On January 31, 2022, SJWTX d/b/a/ Canyon Lake Water Service (Canyon Lake), filed an application for approval of a proposed pass-through rate change related to water use fees imposed by Guadalupe-Blanco River Authority (GBRA) and Comal Trinity Groundwater Conservation District under 16 Texas Administrative Code (TAC) § 24.25(b)(2) with a proposed effective date of March 1, 2022.

On March 3, 2022, the administrative law judge (ALJ) filed Order No. 2 requiring the Staff (Staff) of the Public Utility Commission (Commission) and Canyon Lake to file a motion to admit evidence and joint proposed findings of fact and conclusions of law on or before March 18, 2022. Therefore, this pleading is timely filed.

#### **I. JOINT MOTION TO ADMIT EVIDENCE**

Staff and Canyon Lake move to admit the following evidence into the record of this proceeding:

1. Canyon Lake's application and all attachments, filed on January 31, 2022 (Interchange Item No. 1); and
2. Staff's recommendation on the application and notice and all attachments, filed on March 3, 2022 (Interchange Item No. 3).

#### **II. JOINT PROPOSED NOTICE OF APPROVAL**

Attached to this filing is a Joint Proposed Notice of Approval. Staff and Canyon Lake respectfully request that the attached Proposed Notice of Approval be adopted.

### III. CONCLUSION

Staff and Canyon Lake respectfully request that the Commission grant the Motion to Admit Evidence and adopt the attached Joint Proposed Notice of Approval as described above.

Dated: March 25, 2022

Respectfully submitted,

**/s/ (With Permission) Thomas Hodge**  
**President of SJWTX, Inc.**  
**dba Canyon Lake Water Service Company**  
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### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

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**TARIFF CONTROL NO. 51373**  
**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 25, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin R. Bartz

Kevin R. Bartz

**TARIFF CONTROL NO. 53173**

<b>APPLICATION OF SJWTX, INC. DBA</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>CANYON LAKE WATER SERVICE</b>	<b>§</b>	
<b>COMPANY FOR A PASS-THROUGH</b>	<b>§</b>	<b>OF TEXAS</b>
<b>RATE CHANGE</b>	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the January 31, 2022, application of SJWTX d/b/a Canyon Lake Water Service (Canyon Lake). Canyon Lake filed an application for approval of a proposed pass-through rate change under 16 Texas Administrative Code (TAC) § 24.25(b)(2). Specifically, Canyon Lake requested a pass-through rate increase related to water use fees imposed by Guadalupe-Blanco River Authority (GBRA) and Comal Trinity Groundwater Conservation District under 16 Texas Administrative Code (TAC) § 24.25(b)(2) with a proposed effective date of March 1, 2022. Canyon Lake requested a rate increase from \$0.70 per thousand gallons to \$0.90 per thousand gallons for customers in all subdivisions for CCN No. 10692 under PWS Nos. 0460019, 0460172, 0160019, 0460246, and 0460235.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Applicant**

1. Canyon Lake is a water supply corporation located in Canyon Lake, Texas.
2. Canyon Lake provides water service under Certificate of Convenience and Necessity (CCN) No. 10692 that obligates it to provide retail water service in its certificated service area, including in Comal, Hays, Blanco, and Travis Counties.
3. Canyon Lake owns and operates facilities for providing water service under Texas Commission on Environmental Quality (TCEQ) PWS Nos. 0460019, 0460172, 0160019, 0460246, and 0460235.

**Application**

4. On January 31, 2022, Canyon Lake filed an application to increase their pass-through rate due to an increase in the fees billed by the GBRA.

5. Canyon Lake requested a change to reflect an increase in the GBRA firm water rate and plant treatment operations and maintenance (O&M) rates and debt service fee.
6. Canyon Lake requested a true-up pass-through rate change from \$0.70 to \$0.90 per thousand gallons for customers in all subdivisions for CCN No. 10692 under PWS Nos. 0460019, 0460172, 0160019, 0460246, and 0460235.
7. On March 3, 2022, Staff recommended approval of Canyon Lake's application and filed a revised tariff.
8. In a Notice filed on March 3, 2022, the administrative law judge (ALJ) found the application sufficient for further review.

#### **Notice**

9. On February 1, 2022, Canyon Lake mailed notice of the pass-through rate increase to customers served by the affected PWS.
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 charges, and the following language: "This tariff change is being implemented in accordance with the minor tariff changes allowed by 16 Texas Administrative Code § 24.25. The cost to you as a result of this change will not exceed the cost charged to your utility."
11. In a notice filed on March 3, 2022, the ALJ found notice sufficient.

#### **Jurisdiction**

12. Canyon Lake is a retail public utility that purchases water.
13. Canyon Lake is under the original jurisdiction of the Commission.

#### **Eligibility for Pass-Through Rate Change**

14. The proposed charge will pass through only the actual costs charged to Canyon Lake by GBRA and Comal Trinity Groundwater Conservation District.

#### **Tariff**

15. The current tariff was approved by the Commission on July 1, 2021, in Docket No. 51389.<sup>1</sup>
16. The current tariff includes a pass-through fee to recover the fees charged to Canyon Lake by GBRA and Comal Trinity Groundwater Conservation District.
17. On March 3, 2022, Staff filed a proposed tariff as an attachment to its response to Order No. 1 that includes the requested pass-through rate increase.

### **Evidence**

18. On March 18, 2022, Commission Staff filed an agreed motion to admit evidence.
19. On \_\_\_\_\_, 2022, the ALJ admitted the following evidence into the record of this proceeding: (a) Canyon Lake's application and all attachments, filed January 31, 2022; and (b) Staff's recommendation on the application and notice and all attachments, filed on March 3, 2022.

### **Informal Disposition**

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

## **II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. Canyon Lake is a retail public utility as defined in Texas Water Code (TWC) § 13.002(19) and 16 TAC § 24.3(31).
2. The Commission has authority over the application under TWC § 13.041.

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<sup>1</sup> *Application of Clear Water Estates Water System, LLC and SJWTX, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Comal County, Docket No. 51389 (Jul. 1, 2021).*

3. The Commission may approve this minor change to Canyon Lake'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 the preceding findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission approves a pass-through rate increase from \$0.70 per thousand gallons to \$0.90 per thousand gallons for customers in all subdivisions for CCN No. 10692 under PWS Nos. 0460019, 0460172, 0160019, 0460246, and 0460235.
2. The Commission approves the tariff filed by Staff on March 2, 2022.
3. Within ten days after the date of this Notice of Approval, 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.
4. If Canyon Lake collects an amount as a result of this pass-through rate increase that is higher than the purchased water costs incurred, Canyon Lake must refund any amounts collected in excess of the purchased water costs.
5. The Commission denies all other motions and any other request for general or specific relief that have not been expressly granted.

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<sup>2</sup> Tex. Gov't Code Ann. §§ 2001.001-2001.903.



Signed at Austin, Texas this \_\_\_\_ day of \_\_\_\_\_, 2022.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**ADMINISTRATIVE LAW JUDGE**