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DOCKET NO. 53184

JACOB AND JENNIE HILBIG’S § PUBLIC UTILITY COMMISSION
APPEAL OF THE COST OF §
OBTAINING SERVICE FROM AQUA § OF TEXAS
WATER SUPPLY CORPORATION §

**COMMISSION STAFF’S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS OF THE PETITION AND NOTICE**

On February 3, 2022, Jacob and Jennie Hilbig (Appellants) 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 February 4, 2022, the administrative law judge filed Order No. 1, requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the appeal by March 7, 2022. Therefore, this pleading is timely filed.

I. COMMENTS ON ADMINISTRATIVE COMPLETENESS

Staff recommends that Appellants’ application be found administratively complete. Under 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 regarding the applicant’s request for service. As supported by the attached memorandum by James Euton of the Commission’s Infrastructure Division, Appellants have satisfied this requirement.

Appellants filed their appeal using the commission approved form on February 3, 2022, which is within 90 days of when Appellants received notice. While the parties may need to develop additional facts in this proceeding, Staff has reviewed the materials submitted and recommends that the application be deemed administratively complete for further processing.

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 Appellants to provide notice to Aqua WSC. It is unclear from Appellants’ application whether a copy of the

appeal was mailed to Aqua WSC. If Appellants did not mail a copy, Staff recommends that he be directed to do so. Staff further recommends that Appellants be ordered to file proof that the appeal was sent to Aqua WSC. Finally, Appellants, Aqua WSC, and Staff will file a proposed procedural schedule in accordance with the timeline established by Order No. 1.

III. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that the application be deemed administratively complete, and that Appellants be ordered to file proof of notice. Staff respectfully request the entry of an order consistent with these recommendations.

Dated: March 7, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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DOCKET NO. 53184

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 7, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Ian Groetsch
Ian Groetsch

PUC Interoffice Memorandum

To: Ian Groetsch, Attorney
Legal Division

From: James Euton, Engineering Specialist
Infrastructure Division

Date: February 8, 2022

Subject: **Docket No. 53184**, *Jacob and Jennie Hilbig's Appeal of the Cost of Obtaining Service from Aqua Water Supply Corporation*

On February 3, 2022, Jacob and Jennie Hilbig (Applicants) 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 applicant. The Applicant filed the appeal on February 3, 2022, and the notice of the amount to obtain service was provided to the Applicants on December 20, 2021, which meets the filing requirement.

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