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DOCKET NO. 53243

APPLICATION OF MAUKA WATER	§	PUBLIC UTILITY COMMISSION
LP AND JAMES A. DYCHE DBA	§	
CREST WATER COMPANY FOR	§	OF TEXAS
SALE, TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN JOHNSON COUNTY	§	

**CREST WATER COMPANY’S REQUEST FOR CORRECTION TO THE NOTICE OF
APPROVAL**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW, James A. Dyche d/b/a Crest Water Company (“Crest”) and files this Request for Correction to the Notice of Approval issued on August 3, 2023 and would respectfully show as follows:

I. BACKGROUND

On February 18, 2022, applicants Crest Water Company and Mauka Water LP filed an application for sale, transfer, or merger (“STM”) of facilities and a CCN located in Johnson County. On August 3, 2023, the Administrative Law Judge (“ALJ”) of the Public Utility Commission of Texas (“Commission”) issued the Notice of Approval of the STM application. Attached to the Notice of Approval is a copy of the final tariff that contains an error. This Request for Correction is filed within 15 days of the Notice of Approval and is therefore timely filed.

II. REQUEST FOR CORRECTION

After the transaction was consummated in this matter and the ALJ found the closing documentation to be sufficient, Commission Staff emailed the Applicants a proposed final version of the tariff, map and, certificate for their consent on March 31, 2023. Although Applicant Mauka Water LP filed its consent the same day, Applicant Crest identified two errors. The proposed tariff listed the wrong zip code for Crest and a typographical error for the Purchased Water Fee (pass-through rate) for the Prairielands Groundwater Conservation District (“GCD”). Instead of the erroneous \$0.023 per each 1,000 gallons shown in the draft Notice of Approval, the correct amount charged by the GCD is \$0.23 per each 1,000 gallons. Crest apprised Commission Staff of the

errors on April 6, 2023 and signed a revised consent form to reference the new date of consent. It was Crest's understanding that the incorrect GCD pass-through rate would be revised. However, neither the Proposed Notice of Approval filed on May 1, 2023 nor the final Notice of Approval issued on August 3, 2023 included the correct GCD fee.

This is not the first time the pass-through GCD fee was referenced incorrectly. In 2016, Crest applied for a pass-through rate increase in Docket No. 46600.¹ Although the Commission Staff and ALJ correctly reflected the pass-through charge as \$0.23 per each 1,000 gallons in the body to the recommendation and approval, the fee in the final tariff attached to the Notice of Approval included the incorrect amount of \$0.023.² In that case, the Commission Staff alerted the ALJ to the problem, which was corrected by Memorandum Providing Corrected Tariff.³

In accordance with Title 16 Tex. Admin. Code § 22.35(c)(1), parties may file suggested corrections to a notice of approval within 15 days of the issuance of such notice.⁴ Crest requests that the Purchased Water Fee for the Prairielands GCD again be corrected to **\$0.23** per each 1,000 gallons to reflect the amount charged by the GCD, which the Commission previously approved in Docket No. 46600, and to be consistent with Crest's revised consent form.

III. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, James A. Dyche d/b/a Crest Water Company respectfully prays that the ALJ correct the Notice of Approval by correcting the Prairielands Groundwater Conservation District fee on the final tariff from \$0.023 per 1,000 gallons to \$0.23 per 1,000 gallons, and for all other relief to which it is entitled.

¹ ALJ Goodson presided on both the past and present dockets.

² *Application of Crest Water Company for Pass-Through Rate Change*, Docket No. 46600 (Dec. 21, 2016) (AIS No. 5).

³ *Application of Crest Water Company for Pass-Through Rate Change*, Docket No. 46600 (Jan. 24, 2017) (AIS No. 7).

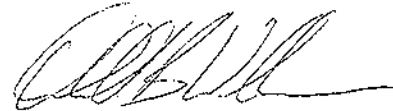
⁴ 16 TAC § 22.35(c)(1).

Respectfully submitted,

**ATTORNEY FOR CREST WATER
COMPANY**

Randall B. Wilburn
State Bar No. 24033342
Helen S. Gilbert
State Bar No. 00786263
BARTON BENSON JONES PLLC
2000 Broadway
San Antonio, Texas 78215
Telephone: (210) 610-5335
Telecopier: (210) 600-9796
rwilburn@bartonbensojones.com
hgilbert@bartonbensojones.com

By:



Randall B. Wilburn

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of August 2023, a true and correct copy of the foregoing document was served on all parties of record via electronic mail in accordance with the Order Suspending Rules issued in Project No. 50664.



Randall B. Wilburn