



Control Number: 53260



Item Number: 12

**DOCKET NO. 53260**

**APPLICATION OF ROUND ROCK  
RANCH PUD UTILITY COMPANY,  
INC. FOR A CLASS D RATE  
ADJUSTMENT**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**ORDER**

This Order addresses the application of Round Rock Ranch PUD Utility Company, Inc. for a class D rate adjustment for the water and sewer systems under its certificates of convenience and necessity (CCN) numbers 12797 and 20805. The administrative law judge (ALJ) filed a proposal for decision recommending that the Commission dismiss the application due to a lack of jurisdiction, under 16 Texas Administrative Code (TAC) § 22.181(d)(1). The ALJ recommended that the dismissal be with prejudice. The Commission adopts the proposal for decision, including findings of fact and conclusions of law.

The Commission also makes non-substantive changes for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

**I. Findings of Fact**

The Commission adopts the following findings of fact.

1. On February 22, 2022, Round Rock Ranch filed an application for a class D rate adjustment.
2. Round Rock Ranch holds CCN number 12797 that obligates the company to provide retail water service within its certificated service area.
3. Round Rock Ranch holds CCN number 20805 that obligates the company to provide retail sewer service within its certificated service area.
4. Round Rock Ranch's water and sewer CCN service areas are located entirely within the city limits of the City of Round Rock.
5. According to its application, Round Rock Ranch serves 95 active water connections and 95 active sewer connections.

6. On April 6, 2022, Commission Staff filed a motion to dismiss the application for lack of jurisdiction.
7. Round Rock Ranch did not respond to Commission Staff's motion to dismiss.
8. No hearing was held on the motion to dismiss, and none is necessary, because the facts relevant to jurisdiction are undisputed.

## **II. Conclusions of Law**

The Commission adopts the following conclusions of law.

1. Under Texas Water Code (TWC) § 13.1872(e) and 16 TAC § 24.49, a class D utility may, without a hearing, receive an annual rate adjustment of no more than 5%.
2. Under TWC § 13.042(a), "the governing body of each municipality has exclusive original jurisdiction over all water and sewer utility rates, operations, and services provided by a water and sewer utility within its corporate limits."
3. While municipalities can, under TWC 13.042(b), cede original jurisdiction to the Commission, the City of Round Rock has not ceded its original jurisdiction.
4. Because the City of Round Rock has not ceded original jurisdiction to the Commission, the Commission lacks jurisdiction to consider Round Rock Ranch's application under TWC § 13.1872(e) and 16 TAC § 24.49.
5. Under 16 TAC § 22.181(d)(1), the ALJ may recommend to the Commission that it dismiss a proceeding, with or without prejudice, for lack of jurisdiction.
6. Under 16 TAC § 22.181(f)(2), dismissal of a case for reasons other than those specified in 16 TAC § 22.181(g)(1) or (2) requires preparation of a proposal for decision.
7. Dismissal of Round Rock Ranch's application is proper under 16 TAC § 22.181(d)(1) due to the Commission's lack of jurisdiction.

## **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission adopts the proposal for decision, including findings of fact and conclusions of law.
2. The Commission dismisses Round Rock Ranch's application, with prejudice, due to a lack of jurisdiction.
3. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the 14<sup>th</sup> day of June 2022.

**PUBLIC UTILITY COMMISSION OF TEXAS**



**PETER M. LAKE, CHAIRMAN**



**WILL MCADAMS, COMMISSIONER**



**LORI COBOS, COMMISSIONER**



**JIMMY GLOTFELTY, COMMISSIONER**