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CRYSTAL BLUFF GOAT RANCHES	§	BEFORE THE PUBLIC UTILITY
LLC’S APPEAL OF THE COST OF	§	
OBTAINING SERVICE FROM	§	COMMISSION OF TEXAS
POSSUM KINGDOM WATER SUPPLY	§	
CORPORATION	§	

**POSSUM KINGDOM WATER SUPPLY CORPORATION’S
LIST OF ISSUES**

Possum Kingdom Water Supply Corporation (Possum Kingdom) hereby submits this List of Issues in response to the July 28, 2022 Public Utility Commission of Texas (Commission) Order Requesting List of Issues (Order)¹ in this cost to obtain service appeal matter (Appeal) initiated by Crystal Bluff Goat Ranches LLC (CBGR).² The Order also permits parties to: (1) identify any issue(s) which should not be addressed in the docket, and (2) identify any threshold legal and/or policy issue(s) which should be briefed for purposes of a preliminary order.³ This list of issues is timely filed.⁴

Background

CBGR’s Appeal seeks to have Possum Kingdom provide it a special cost to obtain service not offered to other developers and based on negotiations from five years ago that were never completed. Possum Kingdom maintains the Commission should not have accepted the Appeal.⁵ But, regardless, CBGR’s Appeal is meritless.

Possum Kingdom is a member-owned, non-profit corporation incorporated pursuant to the Texas Water Code Chapter 67, and the provisions of the Texas Business Organizations Code applicable to member-owned, member-controlled, non-profit corporations for the purpose of

¹ Order Requesting Lists of Issues (July 28, 2022).

² Appeal of the Cost of Obtaining Service from Possum Kingdom Water Supply Corporation by Crystal Bluff Goat Ranches, LLC (Feb. 22, 2022) (Interchange Item No. 1).

³ Order Requesting Lists of Issues (July 28, 2022).

⁴ Order Requesting Lists of Issues (July 28, 2022) provided until August 17, 2022 for parties to file their lists of issues.

⁵ Order No. 7 Denying Plea to the Jurisdiction and Motion to Dismiss (Jun. 27, 2022).

furnishing potable water service to its members/customers.⁶ Possum Kingdom has approximately 2600 retail water service connections in Palo Pinto County and Stephens County, Texas.⁷ Possum Kingdom is not subject to original ratemaking jurisdiction of the Commission or many of the same Commission tariff rules that apply to utilities as defined, but is a “retail public utility” and “water supply corporation” subject to certain types appellate ratemaking provisions including TWC §13.043(g) and 16 TAC § 24.101(g) cost of obtaining service appeals.⁸ Possum Kingdom’s tariff provisions are designed to be just, reasonable, and non-discriminatory. However, they were also developed with consideration for protecting the whole of Possum Kingdom’s existing membership when responding to new service connection requests.

List of Issues

Possum Kingdom proposes the following list of issues to frame this docket if a hearing on the merits is held:

1. Would it be consistent with Possum Kingdom’s tariff to include a \$13,385.00 per meter contribution in aid of construction (CIAC) amount in the cost to obtain service charged by Possum Kingdom to CBGR?
2. Would the \$13,385.00 per meter CIAC amount Possum Kingdom proposes to include in the CBGR cost to obtain service from Possum Kingdom be reasonably related to the cost of installing on-site or off-site facilities to provide service to CBGR?
3. Would it be clearly unreasonable to include a \$13,385.00 per meter CIAC amount in the cost to obtain service charged by Possum Kingdom to CBGR?⁹
4. Would the inclusion of a \$13,385.00 per meter CIAC amount in the cost to obtain service Possum Kingdom has proposed to charge CBGR be just and reasonable and in accordance with the requirements of TWC § 13.043(j)?

⁶ Possum Kingdom Tariff at Section B.1; TWC §§ 67.001-67.017; Texas Business Organizations Code §§ 22.001-22.516; *see also* TWC § 13.002(24) (defining “Water supply or sewer service corporation”)

⁷ *See* Texas Drinking Water Watch website Fact Sheet for Possum Kingdom WSC water system (PWS ID No. 1820076) at https://dww2.tceq.texas.gov/DWW/JSP/Fact.jsp?tinwsys_is_number=5229&tinwsys_st_code=TX&wsnumber=TX1820076%20%20%20&DWWState=TX&begin_date=&end_date=&counter= (last visited May 11, 2022).

⁸ TWC §§ 13.002(19), (23), and (24) and 13.043(g); 16 TAC §§ 24.3(31), (39), and (40) and 24.101(g); *see also* Appeal (Feb. 22, 2022) (Interchange Item No. 1).

⁹ TWC § 13.043(g); 16 TAC § 24.101(g)(1).

5. If the Commission determines that a \$13,385.00 per meter CIAC amount should not be included in the cost to obtain service charged by Possum Kingdom to CBGR, should a different amount be charged in its place? If so, what CIAC amount should be charged?
6. How many meters is CBGR requesting from Possum Kingdom for purposes of determining a total CIAC amount?

Issues that Should Not be Addressed

The Preliminary Order should specify that no issue should be addressed that is outside of the Commission's limited statutory jurisdiction over non-profit water supply corporations as set forth in TWC § 13.043(g) and (j). All issues outside of the Commission's jurisdiction are irrelevant and beyond the scope of this hearing.

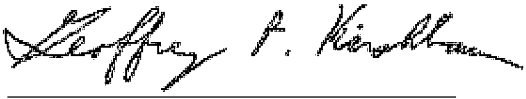
The Preliminary Order should also specify that no element of the cost to obtain service Possum Kingdom has proposed to charge CBGR aside from the \$13,385.00 per meter CIAC amount should be decided in this proceeding. CBGR's Appeal does reflect opposition to any other item included in Possum Kingdom's cost to obtain service estimate.

Threshold Legal/Policy Issues Which Should be Briefed for Preliminary Order

Possum Kingdom is unaware of any threshold legal/policy issues not already decided which should be briefed for the Preliminary Order. However, the Commission should reconsider rejecting the Appeal as untimely.¹⁰

¹⁰ See Possum Kingdom Water Supply Corporation's Plea to the Jurisdiction, Motion to Dismiss, and Response to Appeal (May 16, 2022) and Order No. 7 Denying Plea to the Jurisdiction and Motion to Dismiss (Jun. 27, 2022).

Respectfully submitted,


By: 

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**ATTORNEYS FOR POSSUM KINGDOM
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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 August 17, 2022, in accordance with the Orders Suspending Rules filed in Project No. 50664.



Geoffrey P. Kirshbaum