



Control Number: 53336



Item Number: 100

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OPEN MEETING COVER SHEET

COMMISSIONER MEMORANDUM

MEETING DATE: February 15, 2024

DATE DELIVERED: February 14, 2024

AGENDA ITEM NO.: Item No. 4


CAPTION: **Docket No. 53336** - Application of Big Easy Agua LLC for a Certificate of Convenience and Necessity in Colorado County

DESCRIPTION: Memorandum of Commissioner Kathleen Jackson

Public Utility Commission of Texas

Commissioner Memorandum

TO: Commissioner Lori Cobos
Commissioner Jimmy Glotfelty

FROM: Commissioner Kathleen Jackson 

DATE: February 14, 2024

RE: February 15, 2024 Open Meeting – Item No. 4
Docket No. 53336 – *Application of Big Easy Agua LLC for a Certificate of Convenience and Necessity in Colorado County.*

Before the Commission is a proposed order following remand in this proceeding. If the Commission approves the proposed order following remand, I recommend the Commission make the following changes to the proposed order.

The Commission should add two findings of fact after finding of fact 23 to reflect the filing of a revised tariff by Big Easy Agua.

XX. On January 31, 2024, Commission Counsel filed a memorandum requesting clarification regarding the name of the utility identified in the underground water district fee pass through clause of the tariff attached to the proposed order following remand.

XX. On February 2, 2024, Big Easy Agua filed a revised tariff.

The Commission should add a finding of fact after finding of fact 31 to reflect the admission of the revised tariff into evidence.

XX. In Order No. 32 filed on February 5, 2024, the ALJ admitted the revised tariff filed by Big Easy Agua on February 2, 2024 into the record.

The Commission should modify finding of fact 56 for consistency with finding of fact 58.

56. Big Easy Agua provided a written guarantee from its affiliate to pay for cash shortages and capital improvement costs. ~~The guarantee additionally states the distribution system has already been installed and most of the water plant equipment has been ordered and paid for.~~ Big Easy Agua's affiliate also provided a letter from its bank indicating funds are available to cover the projected cash shortages and capital improvement costs as indicated in confidential attachment FB-1, attached to Commission Staff's supplemental final recommendation.

The Commission should amend finding of fact 69 to reflect the filing of a revised tariff by Big Easy Agua.

69. Big Easy Agua filed a revised proposed tariff.

The Commission should add a finding of fact after finding of fact 80 to reflect the filing of a revised tariff by Big Easy Agua.

XX. On February 2, 2024, Big Easy Agua filed a revised tariff.

The Commission should amend ordering paragraph 2 to reflect the approval of the revised tariff filed by Big Easy Agua.

2. The Commission approves the map ~~and tariff~~ attached to this Order and the tariff filed on February 2, 2024.

The Commission should modify ordering paragraph 6 to allow flexibility to address changed facts or unforeseen circumstances.

6. Big Easy must comply with the requirements in 16 TAC § 24.25(b)(1)(C) and file a rate application with the Commission within 18 months from the date water service begins, unless the Commission finds good cause to waive the rule requirement.

Finally, the Commission should delegate to the Office of Policy and Docket Management staff the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

I look forward to discussing this matter with you at the open meeting.