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Received - 2022-06-07 03:09:33 PM
Control Number - 53686
ItemNumber - 2

DOCKET NO. 53686

**APPLICATION OF SP UTILITY
COMPANY, INC. FOR A CLASS D
RATE ADJUSTMENT**

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**PUBLIC UTILITY COMMISSION

OF TEXAS**

**ORDER NO. 1
REQUIRING COMMENTS ON ADMINISTRATIVE COMPLETENESS
AND NOTICE, AND ADDRESSING PROCEDURAL MATTERS**

This Order addresses the June 6, 2022 application of SP Utility Company, Inc. for a class D rate adjustment for the Savannah Lantation, Tejas Trails, Blue Heron Estates, and Cypresswood Estates subdivisions under its certificate of convenience and necessity numbers 12978 and 20817. The application indicates there are 155 current active water connections and 131 current active sewer connections.

**I. Requiring Recommendations on Administrative Completeness
of the Application, Notice, and Other Matters**

By July 7, 2022, Commission Staff must file comments on the administrative completeness of the application and notice. Further, if Commission Staff recommends that the application be deemed administratively complete, Commission Staff must also file a recommendation on final disposition, including, if necessary, a proposed tariff sheet reflecting the requested rate change.

II. Number of Connections

By June 21, 2022, SP Utility must identify the total number of: (1) water connections for every system owned and operated by the applicant, including any system listed in Docket Nos. 53686 and 53687;¹ and (2) sewer connections for every system owned and operated by the applicant, including any system listed in Docket Nos. 53686 and 53687.

III. Consolidation

Under 16 Texas Administrative Code (TAC) § 22.34, the administrative law judge (ALJ) may, with prior notice to the parties, order the consolidation of proceedings on his or her own initiative. This Order constitutes prior notice to the parties that the ALJ intends to consolidate Docket Nos. 53686 and 53687. This proceeding is one of two filed by SP Utility Company seeking

¹ *Application of SP Utility Company, Inc. for a Class D Rate Adjustment*, Docket No. 53687 (pending).

a 5% class D rate adjustment. The other docket, Docket No. 53687 is apparently for a different property where SP Utility provides water service. Under Texas Water Code (TWC) § 13.1872, it is the utility, not the subdivision served by the utility, that can apply for a 5% class D rate adjustment. Moreover, under TWC § 13.1872(f) the utility may only apply for one 5% class D rate adjustment per year. In Docket Nos. 53686 and 53687, SP Utility has applied for two 5% class D rate adjustments this year.

By June 21, 2022, SP Utility must file a response to the ALJ's notice of intent to consolidate. Commission Staff must do the same by June 28, 2022.

IV. Discovery

Discovery may proceed informally; however, objections to requests for information (RFIs) must be electronically filed and served within 10 days of receiving the RFI.² Objections must include a statement that negotiations were conducted diligently and in good faith. If the parties are unable to resolve a discovery dispute, a motion to compel a response to an RFI must be electronically filed and served within five working days of receipt of an objection. The motion to compel must specify the grounds for the motion.

V. Filing Requirements

Service of pleadings is typically governed by 16 TAC § 22.74. However, the Commission has issued a Second Order Suspending Rules, which has suspended the service requirements found in 16 TAC § 22.74.³ As long as the Second Order Suspending Rules remains in effect, all parties must file any pleading or document with the Commission solely through the Interchange on the Commission's website and provide notice, by email, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer. It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange

All parties are required to provide their current address, telephone and fax numbers, and **e-mail address**, if available, to the Commission and all other parties by electronically filing and serving all parties with such information. Each party must provide the Commission and all other

² See *Issues Related the State of Disaster for Coronavirus Disease 2019*, Docket No. 50664, Second Order Suspending Rules (July 16, 2020).

³ *Id.*

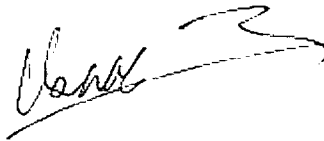
parties with updated address, telephone, fax, and **e-mail address** information, if such information changes. The telephone and fax numbers will be placed on the service list for this proceeding. Parties are responsible for updating their own service lists to reflect changed information and the addition of any other parties.

VI. Ex Parte Communications

In accordance with 16 TAC § 22.3(b)(2), *ex parte* communications with the administrative law judge and presiding officer are prohibited. Parties must communicate with the ALJ only through written documents filed with the Commission's filing clerk and served on all parties. Questions concerning this Order or any other order must be submitted in writing, filed with the Commission, and served on all parties of record.

Signed at Austin, Texas the 7th day of June 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'Isaac TA', is written over a horizontal line.

**ISAAC TA
ADMINISTRATIVE LAW JUDGE**