



Control Number: 53933



Item Number: 22

DOCKET NO. 53933

**MCILRATH PROPERTIES LLC'S §
APPEAL OF THE COST OF §
OBTAINING SERVICE FROM MILLER §
GROVE WATER SUPPLY §
CORPORATION §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

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COMMISSION STAFF'S REQUEST FOR HEARING

On August 4, 2022, McIlrath Properties LLC (McIlrath) filed a petition appealing the decision of Miller Grove Water Supply Corporation (Miller Grove) regarding the cost of obtaining service under Texas Water Code (TWC) § 13.043(g) and 16 Texas Administrative Code (TAC) § 24.101(g).

On December 15, 2022, the administrative law judge (ALJ) filed Order No. 6, requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file its final recommendation on the petition or request a hearing by January 26, 2023. Therefore, this pleading is timely.

I. REQUEST FOR REFERRAL

Staff has reviewed the responses to discovery requests submitted in this docket by McIlrath and Miller Grove. As is evident by these responses, there are unresolved questions of fact regarding the cost estimate given to McIlrath and an evidentiary record needs to be developed. Accordingly, Staff respectfully requests that this case be referred to the State Office of Administrative Hearings (SOAH) for a hearing on the merits. Staff has conferred with the parties regarding the potential mediation of this dispute and respectfully requests that the assigned SOAH ALJ refer the case for mediation.

II. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that an order be filed referring the case to SOAH for mediation.

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Dated: January 26, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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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 January 26, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith
Forrest Smith