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DOCKET NO. 53933

MCILRATH PROPERTIES LLC'S	§	PUBLIC UTILITY COMMISSION
APPEAL OF THE COST OF	§	
OBTAINING SERVICE FROM MILLER	§	OF TEXAS
GROVE WATER SUPPLY	§	
CORPORATION	§	

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS**

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 September 7, 2022, the administrative law judge (ALJ) filed Order No. 2, requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the petition by September 9, 2022. Therefore, this pleading is timely.

I. COMMENTS ON ADMINISTRATIVE COMPLETENESS

Staff recommends that McIlrath's application be found administratively complete. Under TWC § 13.043(g) and 16 TAC § 24.101(g), an applicant for service from a water supply corporation may appeal to the Commission a decision of the water supply corporation affecting the amount to be paid to obtain service other than regular membership or tap fees. These provisions require that the appeal be initiated within 90 days of the date written notice was provided by the water supply corporation to the applicant regarding their request for service.

McIlrath filed their appeal using the approved Commission form for the "Appeal of the Cost of Obtaining Service from a Water Supply Corporation." The parties may need to develop additional facts in this proceeding. On August 26, 2022, Staff filed its first request for information (RFI) requesting additional information from McIlrath and Miller Grove. Staff has reviewed the petition and information submitted and recommends that the petition be deemed administratively complete for further processing.

II. NOTICE

Notice in this proceeding is governed by 16 TAC § 22.55. Staff recommends that the only entity affected by this appeal is Miller Grove Water Supply Corporation, and therefore, it is reasonable to require McIlrath to provide notice to Miller Grove. It is unclear from McIlrath's application whether a copy of the appeal was mailed to Miller Grove. If a copy of the appeal was not mailed to Miller Grove, Staff recommends that McIlrath be ordered to file proof in the docket that notice of their appeal was provided to Miller Grove.

III. PROPOSED PROCEDURAL SCHEDULE

Since McIlrath has not yet provided proof of notice, Staff proposes the following procedural schedule:

Event	Date
Deadline for Applicants to provide proof that notice was provided to Virginia Hills WSC	September 19, 2022
Deadline for Staff to file a recommendation on the sufficiency of notice	September 26, 2022
Deadline for McIlrath, Miller Grove, and Commission Staff to file recommendations regarding how to proceed with the petition and propose a procedural schedule.	October 10, 2022

IV. CONCLUSION

Staff respectfully recommends that the petition be deemed administratively complete and that the above procedural schedule be adopted.

Dated: September 9, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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Division Director

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/s/ Forrest Smith
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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 September 9, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith
Forrest Smith

PUC Interoffice Memorandum

To: Forrest Smith, Attorney
Legal Division

From: James Euton, Engineering Specialist
Infrastructure Division

Date: September 9, 2022

Subject: **Docket No. 53933**, *McIlrath Properties LLC's Appeal of the Cost of Obtaining Service from Miller Grove Water Supply Corporation*

On August 4, 2022, Dave McIlrath (Applicant) filed with the Public Utility Commission of Texas an appeal of the cost of obtaining service from Miller Grove Water Supply Corporation (MGWSC) pursuant to Texas Water Code (TWC) § 13.043(g) and 16 Texas Administrative Code (TAC) § 24.101(g).

An appeal under TWC § 13.043(g) must be initiated within 90 days after written notice of the amount to be paid to obtain service is provided to the applicant. The Applicant filed the appeal on August 4, 2022, and the notice of the amount to obtain service was provided to the Applicant on June 8, 2022, which meets the filing requirement.

Staff has reviewed the information provided by the Applicants and recommends the application be deemed sufficient for filing.