



Control Number: 54017



Item Number: 21

DOCKET NO. 54017

RECEIVED

APPLICATION OF PARK WATER §  
COMPANY TO EXTEND THE TIME TO §  
FILE A RATE APPLICATION IN §  
ACCORDANCE WITH NOTICE OF §  
APPROVAL IN DOCKET NO. 49311 §

2023 APR -5 AM 11:10  
PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

### ORDER

This Order addresses Park Water Company's application for a good cause exception to extend the deadline to file a rate change application prescribed in 16 Texas Administrative Code (TAC) § 24.25(b)(1)(C). The Commission denies Park Water's request for a good cause exception and orders Park Water to file a rate change application as provided in this Order.

#### I. Findings of Fact

The Commission makes the following findings of fact.

##### Applicant

1. Park Water is a Texas corporation registered with the Texas secretary of state under file number 0802526497.
2. Park Water owns or operates for compensation in this state equipment or facilities for the transmission, storage, distribution, sale, or provision of potable water to the public.
3. Park Water provides potable water service for compensation to fewer than 500 connections in Midland County under certificate of convenience and necessity number 13278.

##### Background and Application

4. On March 10, 2020, a Notice of Approval was filed in Docket No. 49311 which required, among other things, Park Water to file a rate change application under 16 TAC § 24.25(b)(1)(C) within 18 months from the date the company began providing water service under 16 TAC § 24.25(b)(1)(C).<sup>1</sup>

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<sup>1</sup> *Application of Park Water Company to Obtain Certificates of Convenience and Necessity in Midland County*, Docket 49311, Notice of Approval, Ordering Paragraph 8 (Mar. 10, 2020).

5. On or about August 1, 2020, Park Water began providing water service to customers in its certificated service area. Under the terms of the notice of approval, therefore, Park Water should have filed its rate change application by February 1, 2022.
6. On August 31, 2022, Park Water filed the application at issue in this proceeding, in which it seeks a good cause exception allowing it to extend its deadline to file a rate change application to February 22, 2023.
7. Park Water provided water service to approximately 29 customers during its first six months of service. At the time it filed its application on August 31, 2022, Park Water provided service to approximately 85 customers and anticipated that it would add a further 51 connections by the end of 2022. Park Water requests a good cause exception to allow it to extend its deadline to file a rate change application so that it will have a more accurate test year.
8. In Order No. 2 filed on October 4, 2022, the administrative law judge (ALJ) found the application administratively complete.

#### Notice

9. On October 28, 2022, Park Water filed the affidavit of Jason Bethke, the company's chief executive officer, attesting that notice was provided to ratepayers by including notice with bills mailed to its customers; to the Office of Public Utility Counsel by United States Postal Service mail; and via publication scheduled in the *Midland Reporter-Telegram*.
10. On November 15, 2022, Park Water filed a publisher's affidavit attesting to the publication of notice in the *Midland Reporter-Telegram*, a newspaper of general circulation in Midland County, on October 28, 2022.
11. In Order No. 4 filed on November 16, 2022, the ALJ found the notice sufficient.

#### Evidentiary Record

12. In Order No. 7 filed on January 4, 2023, the ALJ admitted the following evidence into the record of this proceeding:
  - a. the application filed on August 31, 2022;
  - b. the affidavit of Mr. Bethke attesting to notice filed on October 28, 2022;

- c. Park Water's proof of published notice filed on November 15, 2022;
- d. Commission Staff's recommendation on the sufficiency of the application and notice filed on September 30, 2022;
- e. Commission Staff's recommendation on the sufficiency of notice filed on November 14, 2022;
- f. Park Water's clarification filed on December 15, 2022; and
- g. Commission Staff's recommendation on final disposition filed on December 29, 2022.

**Good Cause Exception**

- 13. There is insufficient evidence of good cause to extend the deadline by which Park Water must file a rate change application.

**Informal Disposition**

- 14. More than 15 days have passed since the completion of notice provided in this docket.
- 15. No person filed a protest or motion to intervene.
- 16. Commission Staff and Park Water are the only parties to this proceeding.
- 17. No party requested a hearing, and no hearing is needed.
- 18. Commission Staff recommended approval of the application.
- 19. This decision is not adverse to any party.

**II. Conclusions of Law**

The Commission makes the following conclusions of law.

- 1. The Commission has authority over this proceeding under Texas Water Code (TWC) §§ 13.041, 13.181, and 13.1872.
- 2. Park Water is a utility, public utility, and water utility as those terms are defined in TWC § 13.002(23) and 16 TAC § 24.3(39).
- 3. Park Water is a Class D utility as that term is defined in TWC § 13.002(4-d) and 16 TAC § 24.3(8).

4. The Commission processed this docket in accordance with the requirements of the TWC, the Administrative Procedure Act,<sup>2</sup> and Commission rules.
5. Park Water provided notice of the application in compliance with 16 TAC § 22.55.
6. Under 16 TAC § 24.25(b)(1)(C), Park Water's deadline to file a rate change application with the Commission was February 1, 2022.
7. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

### **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. Park Water must file a rate change application within 90 days of the date of the filing of this Order.
2. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

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<sup>2</sup> Texas Gov't Code §§ 2001.001–.903.

Signed at Austin, Texas the 5<sup>th</sup> day of April 2023.

PUBLIC UTILITY COMMISSION OF TEXAS



PETER M. LAKE, CHAIRMAN



WILL MCADAMS, COMMISSIONER



LORI COBOS, COMMISSIONER



JIMMY GLATFELTY, COMMISSIONER



KATHLEEN JACKSON, COMMISSIONER