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DOCKET NO. 54146

APPLICATION OF RIO CONCHO	§	PUBLIC UTILITY COMMISSION
AVIATION, INC FOR A PASS	§	
THROUGH RATE CHANGE	§	OF TEXAS

COMMISSION STAFF’S CLARIFICATION ON SUFFICIENCY OF NOTICE

On September 23, 2022, Rio Concho Aviation, Inc (Rio Concho) filed an application to implement a pass-through rate change under 16 Texas Administrative Code (TAC) § 24.25(b)(2) for an increase in fees billed by Northern Trinity Groundwater Conservation District (NTGCD). The increase by NTGCD raises the fee charged to Rio Concho from \$0.12 to \$0.155 per thousand gallons effective January 1, 2022.

On January 13, 2023, the administrative law judge (ALJ) filed Order No. 4, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental clarification regarding the sufficiency of notice of the application by January 26, 2023. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS AND SUFFICIENCY OF NOTICE

Staff has reviewed the record and continues to recommend that the notice provided be deemed sufficient. On December 20, 2022, Rio Concho filed an amended version of the proposed notice to be provided in this matter. On January 19, 2023, Rio Concho supplemented the record with a notarized affidavit indicating that notice of the rate change was submitted to customers on January 19, 2023, which is more than 30 days prior¹ to the proposed effective date of February 25, 2023 as required by 16 TAC § 24.25(b)(2)(F). Therefore, Staff recommends that the notice provided by Rio Concho be deemed sufficient.

II. CONCLUSION

For the reasons detailed above, Staff recommends that the notice provided be found sufficient.

¹ Thirty days after January 19, 2023 is February 18, 2023.

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/ Kevin R. Bartz

Kevin R. Bartz