



## **Filing Receipt**

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<b>APPLICATION OF OAK BEND</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>HOMEOWNERS' WATER SUPPLY</b>	<b>§</b>	
<b>CORPORATION FOR AUTHORITY TO</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CHANGE RATES</b>	<b>§</b>	

**COMMISSION STAFF'S RECOMMENDATION REGARDING NAME CHANGE**

On September 27, 2022, Oak Bend Homeowners' Water Supply Corporation filed an application for authority to change water rates under Texas Water Code §§ 13.1871 and 13.18715.

A proposed order was filed for consideration and action by the Commission on June 29, 2023. Prior to the open meeting scheduled for August 24, 2023, Commissioner Glotfelty filed a Commissioner Memorandum recommending changes to the proposed order to update the name of the utility in the Commission's records. On August 23, 2023, Staff filed a motion to delay the discussion of the docket at the August 24, 2023, open meeting in order to allow Staff the opportunity to determine the best manner to address the issue of the name change.

**I. RECOMMENDATION ON NAME CHANGE**

Certificate of Convenience and Necessity (CCN) No. 11633 is issued to Oak Bend Property Owners Association. The application and proposed tariff in this proceeding, however, were filed by Oak Bend Homeowner's Water Supply Corporation. As pointed out in Commissioner Glotfelty's memorandum, if the Commission approves the proposed order as it is filed, it will approve a tariff for Oak Bend Homeowners' Water Supply Corporation, and that does not appear to align with the Commission's CCN records that identify Oak Bend Property Owners Association as the name of the utility that holds water CCN number 11633. Commissioner Glotfelty's memo also points out that Oak Bend Homeowner's Water Supply Corporation is a Texas non-profit corporation registered with the Texas Secretary of State. Staff concurs with all these facts. Staff further adds that Oak Bend Homeowner's Water Supply Corporation is registered with the Texas Commission on Environmental Quality.

Staff further agrees that currently, the Commission's rules do not provide for a streamlined method of updating the name of a utility on a CCN. However, TWC § 13.244(e) provides authority for the executive director of the Commission to make a correction to a CCN without observing formal amendment procedures by reissuing the certificate or issuing an endorsement to the certificate. The statute allows this type of change for a clerical or typographical error. Staff

agrees that the Commission's records should be aligned with how the utility is currently registered with the Texas Secretary of State, as proposed by Commissioner Glotfelty, and could be corrected under TWC § 13.244(e).

## II. CONCLUSION

For the reasons discussed above, Staff respectfully recommends the entry of an order consistent with Commissioner Glotfelty's memorandum.

Dated: September 20, 2023

Respectfully submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Marisa Lopez Wagley  
Division Director

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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 20, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Jena R. Abel  
Jena R. Abel