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DOCKET NO. 54683

APPLICATION OF § PUBLIC UTILITY COMMISSION
ENVIRO-MANAGEMENT FOR §
AUTHORITY TO CHANGE RATES § OF TEXAS

COMMISSION STAFF'S REQUEST FOR REFERRAL TO THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

I. INTRODUCTION

On February 24, 2023, Enviro-Management filed an application for authority to change water rates under Texas Water Code (TWC) §§ 13.1871 and 13.1872(c)(2). Enviro-Management is a Class D water utility with 110 active connections and holds Certificate of Convenience and Necessity No. 12625.

In Order No. 5, filed on June 2, 2023, the administrative law judge deemed Enviro-Management's application administratively complete and its notice sufficient and suspended the proposed effective date of no more than 265 days in accordance with TWC § 13.1871(g) and 16 Texas Administrative Code (TAC) § 24.33(a)(2). The order also set a deadline of July 5, 2023, for parties to intervene, comment, or request a hearing, and a deadline of July 12, 2023, for Staff to request a hearing or file a final recommendation on final disposition. Therefore, this pleading is timely filed.

II. REQUEST FOR REFERRAL TO THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

Under TWC § 13.1871(i) and 16 TAC § 24.35(c)(2), the Commission shall set an application filed under TWC § 13.1871 for hearing if it receives protests from the lesser of 1,000 or ten percent of the affected ratepayers during the first 90 days after the effective date of the rate change. Enviro-Management's rate increase will affect approximately 140 ratepayers under the Commission's jurisdiction, and as of the date of this filing, Staff has received over 30 protests in this case. After reviewing the protests, Staff has determined that more than ten percent of Enviro-Management's ratepayers affected by the proposed rate increase have timely filed protests. Therefore, Staff requests that the Commission refer this matter to the State Office of Administrative Hearings (SOAH) pursuant to 16 TAC § 24.35(c)(2).

III. CONCLUSION

For the reasons discussed above, Staff respectfully requests that this docket be referred to SOAH for a hearing on the merits.

Date: July 10, 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 July 10, 2023 in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Ian Groetsch
Ian Groetsch