



## **Filing Receipt**

**Filing Date - 2023-07-24 11:40:28 AM**

**Control Number - 54704**

**Item Number - 14**

**TARIFF CONTROL NO. 54704**

**APPLICATION OF ALBURY MANOR § PUBLIC UTILITY COMMISSION  
UTILITY COMPANY, INC. FOR A §  
PASS-THROUGH RATE CHANGE § OF TEXAS**

**NOTICE OF APPROVAL**

This Notice of Approval addresses the application of Albury Manor Utility Company, Inc. for approval of a pass-through rate change related to decreased fees charged by the North Harris County Regional Water Authority. The Commission approves a pass-through rate of \$4.34 per 1,000 gallons for customers in the Albury Manor subdivision, effective February 1, 2023.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Applicant**

1. Albury Manor is a Texas corporation registered with the Texas secretary of state under filing number 49150700.
2. Albury Manor owns and operates for compensation in Texas equipment or facilities for the transmission, storage, distribution, sale, or provision of potable water to the public under certificate of convenience and necessity (CCN) number 11507 in Harris County.
3. Albury Manor provides water service to the Albury Manor subdivision through a public water system registered with the Texas Commission on Environmental Quality (TCEQ) under identification number 1012052.

**Application**

4. On March 3, 2023, Albury Manor filed the application at issue in this proceeding.
5. On March 20, 2023, Albury Manor filed an amended application.
6. On July 13, 2023, Albury Manor filed supplemental information.
7. In its application, as amended, Albury Manor seeks approval of a decrease of its pass-through rate from \$5.17 per 1,000 gallons to \$4.34 per 1,000 gallons, effective February 1, 2023.

8. Albury Manor's requested decrease is in response to a decrease to pumpage fees charged by North Harris County Regional Water Authority to Albury Manor. North Harris County Regional Water Authority decreased the pumpage fee from \$4.60 per 1,000 gallons to \$4.10 per 1,000 gallons, effective February 1, 2023.
9. Albury Manor's requested pass-through rate of \$4.34 per 1,000 gallons includes compensation for line loss of 5.57%, calculated in accordance with the pass-through equation listed in its approved tariff.
10. The amended application, as supplemented, contained the affected CCN number, the affected public water system name and corresponding number issued by the TCEQ, a copy of the notice to the customers, documentation supporting the stated amounts of any new or modified pass-through costs, historical documentation of line loss for one year, all calculations and assumptions for any true-up of pass-through costs, the calculations and assumptions used to determine the new rates, and a copy of the pages of the utility's tariff that contains the rates that will change if the application is approved.
11. In Order No. 2 filed on April 5, 2023, the administrative law judge (ALJ) found the application, as supplemented, administratively complete.
12. On July 13, 2023, Albury Manor filed a supplement to its application to include its public water system name, Albury Manor Utility Company, and corresponding number issued by the TCEQ: 1012052.

**Notice**

13. Albury Manor provided notice of the pass-through rate decrease on or about March 20, 2023.
14. The notice contained the effective date of the change, the present calculation of customer billings, the new calculation of customer billings, the change in charges to Albury Manor for purchased water, and the following language: "This tariff change is being implemented in accordance with the minor tariff changes allowed by 16 Texas Administrative Code (TAC) § 24.25. The cost to you as a result of this change will not exceed the costs charged to your utility."
15. Albury Manor provided notice of the application after its proposed effective date.

16. On March 28, 2023, Albury Manor requested a good cause exception to the requirements of 16 TAC § 24.25(b)(2)(F), which requires notice of the application be provided prior to the beginning of the billing period in which the pass-through rate change takes effect.
17. In Commission Staff's April 3, 2023 recommendation on the application and notice, Commission Staff recommended that good cause exists to grant an exception to the requirements of 16 TAC § 24.25(b)(2)(F) because Albury Manor's requested pass-through rate change will decrease customer charges.

### **Evidentiary Record**

18. In Order No. 5 filed on July 24, 2023, the ALJ admitted the following evidence into the record of this proceeding:
  - a. Albury Manor's application filed on March 3, 2023;
  - b. Albury Manor's amended application filed on March 20, 2023;
  - c. Albury Manor's request for a good cause exception filed on March 28, 2023;
  - d. Commission Staff's recommendation on the application and notice filed on April 3, 2023;
  - e. Commission Staff's final recommendation filed on June 6, 2023; and
  - f. Albury Manor's supplemental information filed on July 13, 2023.

### **Eligibility for Pass-Through Rate Change**

19. The proposed pass-through rate will pass through only the actual costs charged to Albury Manor by North Harris County Regional Water Authority and does not duplicate costs otherwise charged to customers under the current tariff.

### **Tariff**

20. The current North Harris County Regional Water Authority pass-through rate for Albury Manor was approved by the Commission on July 27, 2021, in Tariff Control No. 52060.<sup>1</sup>
21. Albury Manor's current tariff prescribes a formula by which changes in pass-through rates are to be calculated.

---

<sup>1</sup> *Application of Albury Manor Utility Company, Inc. for a Pass-Through Rate Change*, Tariff Control No. 52060, Notice of Approval (July 27, 2021).

22. On June 6, 2023, Commission Staff filed a proposed tariff as an attachment to its recommendation. The proposed tariff reflects the approval of the proposed North Harris County Regional Water Authority pass-through rate decrease.

### **Refund**

23. North Harris County Regional Water Authority's decreased pumpage fee became effective on February 1, 2023.
24. Albury Manor acknowledges it overcharged customers served by its public water system.
25. It is appropriate to require Albury Manor to issue a refund for the overcharges.

### **Informal Disposition**

26. More than 15 days have passed since the completion of the notice provided in this docket.
27. No person filed a protest or motion to intervene.
28. Albury Manor and Commission Staff are the only parties to this proceeding.
29. No party requested a hearing, and no hearing is needed.
30. Commission Staff recommended approval of the application.
31. 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 the application under Texas Water Code (TWC) § 13.041.
2. Albury Manor is a utility as defined under TWC § 13.002(23) and 16 Texas Administrative Code (TAC) § 24.3(38).
3. The Commission may approve this minor change to Albury Manor's water tariff under 16 TAC § 24.25(b)(2)(A)(vii).
4. The application meets the requirements set forth in 16 TAC § 24.25.
5. Good cause exists under 16 TAC § 24.2(b) to grant an exception to the requirement in 16 TAC § 24.25(b)(2)(F)(ii) that notice of the application be provided prior to the beginning of the billing period in which the pass-through rate change takes effect.

6. The Commission processed the application as required by the TWC, the Administrative Procedure Act,<sup>2</sup> and Commission rules.
7. The requirements for informal disposition in 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. The Commission approves the pass-through rate change from \$5.17 per 1,000 gallons to \$4.34 per 1,000 gallons for customers in the Albury Manor subdivision, effective February 1, 2023.
2. The Commission approves the proposed tariff attached to Commission Staff's recommendation filed on June 6, 2023.
3. Within ten days of the date this Notice of Approval is filed, Commission Staff must provide the Commission with a clean copy of Albury Manor's water tariff to be stamped *Approved* and retained by Central Records.
4. Within 30 days of the date of this Notice of Approval, Albury Manor must refund or credit customers served by its public water system the pass-through rate the amounts it overcharged as a result of North Harris County Regional Water Authority's decreased pumpage fee.
5. Within 45 days of the date of this Notice of Approval, Albury Manor must file a report documenting the calculation and refund of the pass-through rate refund for customers in compliance with this Notice of Approval. The filing must be made in Docket No. 55278, *Compliance Filing for Docket No. 54704 (Application of Albury Manor Utility Company, Inc. for A Pass-Through Rate Change)*.
6. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

---

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

Signed at Austin, Texas the 24th day of July 2023.

**PUBLIC UTILITY COMMISSION OF TEXAS**



---

**ISAAC TA  
ADMINISTRATIVE LAW JUDGE**