



## **Filing Receipt**

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**Item Number - 8**

**TARIFF CONTROL NO. 54704**

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

**JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL**

**I. INTRODUCTION**

On March 3, 2023, Albury Manor Utility Company, Inc. (AMUC) filed an application under 16 Texas Administrative Code (TAC) § 24.25(b)(2) for approval of a pass-through rate change for certain districts related to a decrease in direct costs associated with North Harris County Regional Water Authority's (NHCRWA) water pumpage fees. AMUC supplemented its application on March 20, 2023.

On April 5, 2023, the administrative law judge (ALJ) filed Order No. 2, directing the parties to submit a proposed order that includes findings of fact, conclusions of law, and ordering paragraphs by July 11, 2023. Therefore, this pleading is timely filed.

**II. MOTION TO ADMIT EVIDENCE**

AMUC and the Staff (Staff) of the Public Utility Commission of Texas (Commission) move to admit the following items into the record of this proceeding:

- a) AMUC's application for a pass-through rate change and all attachments, filed on March 3, 2023 (Interchange Item No. 1);
- b) AMUC's supplemented application for a pass-through rate change and all attachments, filed on March 20, 2023 (Interchange Item No. 3);
- c) AMUC's request for a good cause exception to 16 TAC § 24.25(b)(2)(F), filed on March 28, 2023 (Interchange Item No. 4);
- d) Commission Staff's Recommendation on the Application and Notice, filed on April 3, 2023 (Interchange Item No. 5);
- e) Commission Staff's Final Recommendation, filed on June 6, 2023 (Interchange Item No. 7).

### **III. PROPOSED NOTICE OF APPROVAL**

AMUC and Commission Staff respectfully request that the attached Proposed Notice of Approval be adopted.

### **IV. CONCLUSION**

The parties respectfully request that an order be issued granting the above Motion to Admit Evidence and adopting the attached Proposed Notice of Approval.

Dated: July 11, 2023

Respectfully submitted,

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

Marisa Lopez Wagley  
Division Director

John Harrison  
Senior Managing Attorney

/s/ Kelsey Daugherty  
Kelsey Daugherty  
State Bar No. 24125054  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3480  
(512) 936-7255  
(512) 936-7268 (facsimile)  
Kelsey.Daugherty@puc.texas.gov

**TARIFF CONTROL NO. 54704**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on July 11, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Kelsey Daugherty  
Kelsey Daugherty

**TARIFF CONTROL NO. 54704**

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

**PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the application of Albury Manor Utility Company, Inc. (AMUC) for approval of a pass-through rate change for certain districts related to a decrease in direct costs associated with North Harris County Regional Water Authority's (NHCRWA) water pumpage fees for the Albury Manor subdivision. AMUC requests approval of a pass-through rate change from \$5.17 to \$4.34 per thousand gallons. The Commission approves the requested decrease to pass-through fees to the extent provided in this Notice of Approval.

## **I. Findings of Fact**

The Commission makes the following findings of fact.

### **Applicant**

1. AMUC is an investor-owned water utility registered with the Texas secretary of state under file number 0049150700.
2. AMUC provides water service under Certificate of Convenience and Necessity (CCN) Number 11507 in Harris County.
3. AMUC owns and operates public water system ID number 1012052.

### **Application**

4. On March 3, 2023, AMUC filed its application for approval of a pass-through rate change for certain districts related to a decrease in direct costs associated with NHCRWA's water pumpage fees, effective February 1, 2023.
5. On March 20, 2023, AMUC filed an amended application for approval of a pass-through rate change.
6. In February 2023, AMUC became aware that NHCRWA decreased its surface water rates from \$5.05 to \$4.55 per 1,000 gallons and groundwater pumpage fees from \$4.60 to \$4.10 per 1,000 gallons, effective February 1, 2023. In its application, AMUC seeks to pass this decrease along to its customers.
7. AMUC seeks to decrease the pass-through rate fee it charges customers in the Albury Manor subdivision from \$5.17 per 1,000 gallons to \$4.34 per 1,000 gallons,

which includes line loss in accordance with the pass-through equation listed on the tariff of 5.57%.

8. The application was supported by historical documentation of line loss for one year.
9. The application contained the affected CCN number, the affected subdivision, the 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, and the calculations and assumptions used to determine the new rates.
10. On March 28, 2023, AMUC requested a good cause exception to 16 TAC § 24.25(b)(2)(F), which requires a utility to file certain documents with the Commission prior to the beginning of the billing period in which a revision takes effect.
11. In Order No. 2 filed on April 5, 2023, the Administrative Law Judge (ALJ) found the application, as supplemented, administratively complete.

**Notice**

12. AMUC's application included a copy of notice mailed to affected customers on March 20, 2023, detailing the requested pass-through fee decrease.
13. The notice contained the effective date of the change, the present calculation of customer billings, the new calculation of customer billings, and the following language: 'This tariff change is being implemented in accordance with the minor

tariff changes allowed by 16 Texas Administrative Code § 24.25. The cost to you as a result of this change will not exceed the costs charged to your utility.”

**Jurisdiction -Texas Water Code (TWC) §§ 13.002(19) and 13.041**

14. AMUC is a retail public utility that purchases water.
15. AMUC is under the original jurisdiction of the Commission.

**Eligibility for Pass-Through Rate Change – 16 Texas Administrative Code (TAC)**

**§ 24.25**

16. The proposed changes will pass through only the actual costs charged to AMUC by NHCRWA and do not duplicate costs otherwise charged to customers under the current tariff.

**Tariff**

17. AMUC’s current NHCRWA pass-through fee was approved by the Commission on July 27, 2021, in Tariff Control No. 52060.<sup>1</sup>
18. AMUC’s current tariff prescribes a formula by which changes in pass-through fees are to be calculated.
19. 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 NHCRWA pass-through pumpage fees decrease.

**Evidence**



20. On July 11, 2023, AMUC and Commission Staff filed a joint motion to admit evidence.

21. In Order No. \_\_\_ filed on \_\_\_\_\_, 2023, the ALJ admitted the following evidence into the record of this proceeding: (a) AMUC's application for a pass-through rate change and all attachments, filed on March 3, 2023 (Interchange Item No. 1); (b) AMUC's supplemented application for a pass-through rate change and all attachments, filed on March 20, 2023 (Interchange Item No. 3); (c) AMUC's request for a good cause exception to 16 TAC § 24.25(b)(2)(F), filed on March 28, 2023 (Interchange Item No. 4); (d) Commission Staff's Recommendation on the Application and Notice, filed on April 3, 2023 (Interchange Item No. 5); and (e) Commission Staff's Final Recommendation, filed on June 6, 2023 (Interchange Item No. 7).

**Informal Disposition**

22. More than 15 days have passed since the completion of notice provided in this docket.

23. No person filed a protest or motion to intervene.

24. AMUC and Commission Staff are the only parties in this proceeding.

25. No party requested a hearing, and no hearing is needed.

26. Commission Staff recommended approval of the application.

27. This decision is not adverse to any party.

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<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).

## **II. Conclusions of Law**

The Commission makes the following conclusions of law.

28. AMUC is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(31).
29. The Commission has authority over the application under TWC § 13.041.
30. The Commission may approve this minor change to AMUC's water tariff under 16 TAC § 24.25.
31. The application meets the requirements set forth in 16 TAC § 24.25.
32. Notice of the application was provided in compliance with 16 TAC § 24.25(b)(2)(F).
33. The Commission processed the application as required by the TWC, the Administrative Procedure Act,<sup>2</sup> and Commission rules.
34. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

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

### **III. Ordering Paragraphs**

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

1. The Commission approves a decrease in the NHCRWA pass-through fee 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 after the date of this Notice of Approval, Commission Staff must provide a clean copy of the tariff approved in this Notice of Approval to Central Records to be marked *Approved* and filed in the Commission's tariff book.
4. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

**Signed at Austin, Texas the \_\_\_\_ day of \_\_\_\_\_ 2023**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**ISAAC TA  
ADMINISTRATIVE LAW JUDGE**