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Control Number - 54943

Item Number - 3

TARIFF CONTROL NO. 54943

APPLICATION OF MIDWAY WATER UTILITIES, INC. FOR A PASS THROUGH RATE CHANGE	§	PUBLIC UTILITY COMMISSION
	§	
	§	OF TEXAS

**COMMISSION STAFF'S COMMENTS AND
RECOMMENDATION**

I. RECOMMENDATION ON THE APPLICATION AND NOTICE

On April 28, 2022, Midway Water Utilities, Inc., (Midway), filed an application under certificate of convenience and necessity (CCN) number 12087, for approval for a pass-through rate change due to increase fee charges to the utility by the City of Houston under its Groundwater Reduction Plan, with a proposed effective date of May 1, 2023.

On May 2, 2023, the administrative law judge (ALJ) filed Order No. 1 establishing a deadline for the Staff to file a recommendation on the sufficiency of the application and notice by May 30, 2023. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON THE APPLICATION AND NOTICE

Staff has reviewed the application and as detailed in the attached memorandum of Sandra Hale of the Commission's Rate Regulation Division, Staff recommends that the application be found administratively incomplete at this time. Staff further recommends that Midway be ordered to cure the deficiencies identified in Ms. Hale's memorandum by June 30, 2023, and that Staff be given a deadline of July 27, 2023, to file a supplemental recommendation on the administrative completeness of the application and notice.

III. CONCLUSION

For the reasons stated above, Staff respectfully requests that the application be found administratively incomplete, that Midway be ordered to file supplemental information to cure the deficiencies in the application by June 30, 2023, and that Staff be given a deadline of July 27, 2023, to file a supplemental recommendation on the administrative completeness of the application and notice

Dated: May 30, 2023

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Wagley Lopez
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/S/ Markel Perkins
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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 May 30, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/S/ Markel Perkins
Markel Perkins

Public Utility Commission of Texas

Memorandum

TO: Markel Perkins, Attorney
Legal Division

FROM: Sandra Hale, Regulatory Accountant
Rate Regulation Division

DATE: May 30, 2023

RE: Tariff Control No. 54943 – *Application of Midway Water Utilities, Inc. for a Pass Through Rate Change*

On April 28, 2023, Midway Water Utilities, Inc. (Midway) filed an application for a pass-through rate adjustment using the standards of 16 Texas Administrative Code (TAC) § 24.25(b)(2)(F) for an increase in the fees billed by the City of Houston under its Groundwater Reduction Plan. Midway holds certificate of convenience and necessity number (CCN) 12087.

Based on a review of the initial application filed on April 28, 2023, I determined that the application is insufficient. To be sufficient and administratively complete, I recommend that Midway respond to the following:

1. The application is filed under Midway Water Utilities, Inc., CCN 12087. However, the notice provided to customers identifies the applicant as Texas Water Utilities, L.P., which is not associated with this CCN. Midway should re-notice its customers to indicate the correct name of the applicant and provide the Commission with the corrected notice.