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DOCKET NO. 55274

PETITION OF FORT BEND COUNTY	§	PUBLIC UTILITY COMMISSION
MUNICIPAL UTILITY DISTRICT NO.	§	
222 APPEALING THE WHOLESALE	§	OF TEXAS
WATER RATES ESTABLISHED BY	§	
THE CITY COUNCIL OF THE CITY	§	
OF FULSHEAR, TEXAS	§	

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS**

On July 24, 2023, Fort Bend County Municipal Utility District No. 222 (Fort Bend Co. MUD No. 222) filed, under Texas Water Code §§ 12.013, 13.043(f), 13.044, and 16 Texas Administrative Code § 24.101, a petition appealing the City of Fulshear's (Fulshear) wholesale water rates.

On August 24, 2023, the administrative law judge filed Order No. 2, directing the Staff (Staff) of the Public Utility Commission of Texas to file a supplemental recommendation on the administrative completeness of the petition and to propose a procedural schedule by October 19, 2023. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and supplemental information and as detailed in the attached memorandum from Joseph Cooper of the Infrastructure Division, recommends that the petition is administratively complete and sufficient. This recommendation is not a comment on the merits of the petition.

II. PROPOSED PROCEDURAL SCHEDULE

Staff has reviewed Fort Bend Co. MUD No. 222's Amended Petition and Response to Order No. 2 (Amended Petition) and Fulshear's Response to Petition of Fort Bend Co. MUD No. 222 (Fulshear's Response). While Fulshear's Response states that Fort Bend Co. MUD No. 222's petition is an appeal of a rate charged pursuant to a written contract,¹ Fort Bend Co. MUD No. 222's Amended Petition states that the rates at issue in this proceeding are not charged pursuant to

¹ City of Fulshear's Response to Petition of Fort Bend County Municipality Utility District No. 222 at fn. 5 (Aug. 23, 2023).

the parties' facilities agreement.² Both Fort Bend Co. MUD No. 222 and Fulshear requested that Fulshear be given an opportunity to respond to Fort Bend Co. MUD No. 222's administratively complete petition. Therefore, Staff proposes the following procedural schedule for further processing of this docket:

Event	Deadline
Deadline for Fulshear to respond to Fort Bend Co. MUD No. 222's Amended Petition.	November 16, 2023
Deadline for Staff to file a supplemental recommendation on the Amended Petition, including a recommendation regarding how this proceeding should be processed.	November 30, 2023

III. CONCLUSION

For the reasons discussed above, Staff recommends that the petition be found administratively complete and that the above proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

² Petitioner's Amended Petition and Response to Order No. 2 at 7 (Sept. 18, 2023).

Dated: October 19, 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 will be provided to all parties of record via electronic mail on October 19, 2023, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Kelsey Daugherty
Kelsey Daugherty

Public Utility Commission of Texas

Memorandum

TO: Kelsey Daugherty, Attorney
Legal Division

FROM: Joseph Cooper, Engineering Specialist
Infrastructure Division

DATE: October 19, 2023

RE: Docket No. 55274 – *Petition of Fort Bend County Municipal Utility District No. 222 Appealing the Wholesale Water Rate Establish by the City Council of the City of Fulshear, Texas*

On July 24, 2023, Fort Bend County Municipal Utility District No. 222 (“Fort Bend Co. MUD No. 222”) filed with the Public Utility Commission of Texas a petition to appeal rates established by the City of Fulshear, Texas (“Fulshear”). On September 18, 2023, Fort Bend Co. MUD No. 222 filed an amended petition under Texas Water Code (TWC) § 13.043(f), 13.044 and 16 Texas Administrative Code (“TAC”) 24, subchapter J.

An appeal under TWC § 13.043(f) must be initiated within 90 days after the date of notice of the decision is received from the provider of water. Fort Bend Co. MUD No. 222 stated that it first received notice of the proposed rate on April 26, 2023, from Fulshear's billing department.¹ Based on the notice date, the deadline for Fort Bend Co. MUD No. 222 to file its petition was July 25, 2023. Fort Bend Co. MUD No. 222 filed its initial petition on July 24, 2023, which meets the 90 day filing requirement.

Staff has reviewed the additional information provided by Fort Bend Co. MUD No. 222 and has confirmed that all of the deficiencies identified in Staff’s August 23, 2023 memorandum have been cured. Therefore, Staff recommends that the application be deemed sufficient for filing.

¹ Fort Bend County Municipal Utility District No. 222’s Amended Petition, Attachment B1 (September 18, 2023) (Email communication from the City of Fulshear which contains invoices dated April 26, 2023).