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DOCKET NO. 55783

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| STACIE SMITH'S APPEAL OF THE | § | PUBLIC UTILITY COMMISSION |
| COST OF OBTAINING SERVICE | § | |
| FROM LIBERTY CITY WATER | § | OF TEXAS |
| SUPPLY CORPORATION | § | |

COMMISSION STAFF'S RESPONSE TO ORDER NO. 4 AND MOTION TO DISMISS

On October 30, 2023, Stacie Smith filed an appeal of the cost of obtaining service from Liberty City Water Supply Corporation (Liberty City WSC) under Texas Water Code (TWC) § 13.043(g) and 16 Texas Administrative Code (TAC) § 24.101(g). Ms. Smith stated that the total estimated cost to obtain service from the WSC is \$4,003.00.

On March 6, 2024, the administrative law judge filed Order No. 4, directing the Staff (Staff) of the Public Utility Commission of Texas to file a procedural schedule for the further processing of this docket by April 8, 2024.

I. RESPONSE TO ORDER NO. 4 AND MOTION TO DISMISS

On April 1, 2024, Liberty City WSC filed its revised response to Staff's First Request for Information and the affidavit of Craig Sherwood, attesting that the membership and tap fees that Ms. Smith paid to obtain service are the regular membership and tap fees of Liberty City WSC. Pursuant to TWC § 13.043(g) and 16 TAC § 24.101(g), an applicant requesting service from a water supply corporation may only appeal a decision of the water supply corporation affecting the amount to be paid to obtain service *other than the regular membership or tap fees*. Because the fees included in Liberty City WSC's quote to Ms. Smith are solely regular membership or tap fees, Staff recommends that there are no fees that Staff can evaluate under TWC § 13.043(g) and 24 TAC § 24.101(g). Accordingly, Staff respectfully requests that this docket be dismissed pursuant to 16 TAC § 22.181(d)(8) for failure to state a claim for which relief can be granted.

II. CONCLUSION

For the reasons detailed above, Staff recommends that this docket be dismissed pursuant to 16 TAC § 22.181(d)(8) for failure to state a claim for which relief can be granted. Staff respectfully requests the entry of an order consistent with this recommendation.

Dated: April 8, 2024

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 April 8, 2024, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Kelsey Daugherty
Kelsey Daugherty