

Filing Receipt

Filing Date - 2024-01-29 02:18:58 PM

Control Number - 55878

Item Number - 11

DOCKET NO. 55878

| APPLICATION OF MIDWAY WATER | § | PUBLIC UTILITY COMMISSION |
|-----------------------------|---|---------------------------|
| UTILITIES, INC. FOR A MINOR | § | |
| TARIFF CHANGE | § | OF TEXAS |

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF THE APPLICATION AND PROPOSED PROCEDURAL SCHEDULE

On November 21, 2023, Midway Water Utilities, Inc. (Midway Water) filed an application for a minor tariff change under 16 Texas Administrative Code (TAC) § 24.25(b)(2). Midway Water seeks to change the name of the "Transfer Fee" set forth in Midway Water's water and wastewater tariffs to "Service Initiation Fee." Midway Water also proposes other conforming definitional revisions. Midway Water requests an effective date of December 1, 2023.

On January 25, 2024, the administrative law judge issued Order No. 3, requiring Staff (Staff) of the Public Utility Commission of Texas (Commission) to file its recommendation regarding the sufficiency of the application, the appropriate form of notice, if any, and the proper method for processing of this docket by January 29, 2024. Therefore, this pleading is timely filed.

I. SUFFICIENCY OF THE APPLICATION

Staff has reviewed the application and, as detailed in the attached memorandum of David Lopez of the Rate Regulation Division, recommends that it is sufficient for further review. Staff does not comment on the merits of the application at this time.

In addition, Staff does not recommend that Midway Water be ordered to provide notice of the minor tariff change. Under 16 TAC § 24.25(b)(3)(A), "[if] a proposed tariff revision constitutes an increase in existing rates of a particular customer class or classes, then the commission may require that notice be given." Midway Water's minor tariff change alters the name of a Commission-approved fee without increasing such fee, enlarging the class of customer that pays such fee, or changing the fundamental nature of such fee. Therefore, Staff recommends that notice of the minor tariff change is not needed in this instance.

II. PROPOSED PROCEDURAL SCHEDULE

Staff recommends that Midway Water's application be found sufficient. Therefore, Staff proposes the following procedural schedule:

| Event | Date |
|--|------------------|
| Deadline for Staff's final recommendation on the application | February 8, 2024 |

III. CONCLUSION

Staff recommends that Midway Water's application be found sufficient for further review and that the above-proposed procedural schedule be adopted. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

Dated: January 29, 2024

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Marisa Lopez Wagley Division Director

lan Groetsch Managing Attorney

/s/ David Skawin
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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 January 29, 2024, in accordance with the Order Suspending Rules, filed in Project No. 50664.

/s/ Devid Skawin
David Skawin

Public Utility Commission of Texas

Memorandum

TO: David Skawin, Attorney

Legal Division

FROM: David Lopez, Tariff Review

Rate Regulation Division

DATE: January 29, 2024

RE: Docket No. 55878 – Application of Midway Water Utilities, Inc. for a Minor Tariff

Change

On November 21, 2023, Midway Water Utilities, Inc. (Midway) submitted its application for a minor tariff change pursuant to 16 Texas Administrative Code § 24.25(b)(2). Midway requests to amend the name of the "Transfer Fee" to "Service Initiation Fee," as well as other definitional revisions.

I reviewed the filing and did not identify any deficiencies for purposes of determining whether the application is administratively complete. Therefore, I recommend that the Commission deem the application administratively complete from a tariff review perspective.