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TARIFF CONTROL NO. 55878

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

NOTICE OF APPROVAL

This Notice of Approval addresses the application of Midway Water Utilities, Inc. for approval of a minor tariff change. Midway requests approval to change the name of the “transfer fee” found under the miscellaneous fees sections of its water and sewer tariffs for certificate of convenience and necessity (CCN) numbers 12087 and 20705 to “service initiation fee” and make conforming definitional revisions. The Commission approves the requested minor tariff change, effective the date of this Notice of Approval.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. Midway is a Texas corporation registered with the Texas secretary of state under file number 111387200.
2. Midway holds water CCN number 12087, which obligate it to provide retail water service in its certificated service area in several counties.
3. Midway holds sewer CCN number 20705, which obligate it to provide retail sewer service in its certificated service area in several counties.

Application

4. On November 21, 2023, Midway filed the application at issue in this proceeding.
5. In the application, Midway requests approval of a minor tariff change to change the name of the “transfer fee” set forth in the miscellaneous fees sections of Midway’s water and sewer tariffs to “service initiation fee” and to make conforming definitional revisions, effective December 1, 2023.

6. The proposed minor tariff change is intended to provide clarity that the fee applies to service initiation requests. The fee amount and applicability will not change.
7. In Order No. 4 filed on February 12, 2024, the administrative law judge (ALJ) found the application administratively complete.

Notice

8. In Order No. 4 filed on February 12, 2024, the ALJ found that notice of the application was not necessary.

Tariffs

9. The current tariff for water CCN number 12087 was approved by the Commission in Tariff Control No. 55139.¹
10. The current tariff for sewer CCN number 20705 was approved by the Commission in Docket No. 50895.²
11. On November 21, 2023, Midway filed a proposed sewer tariff as attachment B to the application. The proposed tariff reflects the changes to the name and description of the transfer fee.
12. On February 27, 2024, the parties filed a proposed water tariff as attachment B to the joint motion to admit evidence. The proposed tariff reflects the changes to the name and description of the transfer fee.

Evidentiary Record

13. In Order No. 5 filed on March 1, 2024, the ALJ admitted the following evidence into the record:
 1. The application, including all attachments, filed on November 21, 2023;
 2. Midway's response to Commission Staff's first request for information filed on January 2, 2024;

¹ *Application of Midway Water Utilities, Inc. for a Pass-Through Rate Change*, Tariff Control No. 55139, Notice of Approval (Jan. 5, 2024).

² *Application of Champs Water Company and Midway Water Utilities, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Harris and Montgomery Counties*, Docket No. 50895, Notice of Approval (June 30, 2021).

3. Commission Staff's recommendation on sufficiency of the application and proposed procedural schedule filed on January 29, 2024;
 4. Commission Staff's final recommendation, including all attachments, filed on February 20, 2024; and
 5. The proposed water tariff provided as attachment B to the motion to admit evidence and proposed notice of approval filed on February 27, 2024.
14. In Order No. 7 filed on March 20, 2024, the ALJ admitted the tariff for sewer CCN number 20705 attached to the joint supplemental motion to admit evidence filed on March 19, 2024.

Informal Disposition

15. More than 15 days have passed since notice was deemed unnecessary in this proceeding.
16. No person filed a protest or motion to intervene.
17. Commission Staff and Midway are the only parties to this proceeding.
18. No party requested a hearing, and no hearing is needed.
19. Commission Staff recommended approval of the application.
20. This decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over the application under Texas Water Code (TWC) § 13.041.
2. Midway is a water and sewer utility as defined in TWC § 13.002(23) and 16 Texas Administrative Code (TAC) § 24.3(38) and a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(31).
3. The Commission may approve this minor change to Midway's water and sewer tariffs under 16 TAC § 24.25(b)(2).
4. The application meets the requirements set forth in 16 TAC § 24.25.

5. The Commission processed the application as required by the TWC, the Administrative Procedure Act,³ and Commission rules.
6. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

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

1. The Commission approves the minor tariff changes requested in the application, effective the date of this Notice of Approval.
2. Within ten days after the date this Notice of Approval is filed, Commission Staff must provide a clean copy of Midway's water and sewer tariffs to be stamped *Approved* and retained by Central Records.
3. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas on the 20th day of March 2024.

PUBLIC UTILITY COMMISSION OF TEXAS



REBECCA BROMLEY-WILLIAMS
ADMINISTRATIVE LAW JUDGE

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³ Tex. Gov't Code §§ 2001.001–.903.