



Filing Receipt

Filing Date - 2024-02-21 03:29:59 PM

Control Number - 55942

Item Number - 16

DOCKET NO. 55942

PETITION BY RATEPAYERS	§	PUBLIC UTILITY COMMISSION
APPEALING THE WATER AND	§	
WASTEWATER RATES	§	OF TEXAS
ESTABLISHED BY THE CITY OF	§	
ROCKPORT	§	

ORDER NO. 4
ESTABLISHING JURISDICTION AND SETTING DEADLINES

This Order addresses several matters in the December 4, 2023 petition of ratepayers appealing the water and wastewater rates established by the City of Rockport. On January 10, 2024, Rockport filed a response to Order No. 1 and a motion to dismiss this petition, claiming the petition is moot because the rates being appealed were repealed as of December 13, 2023.

On January 10, 2024, Commission Staff responded to Order No. 1, stating that it would not comment on the administrative completeness of the petition because it is moot. Commission Staff also requested abatement of this proceeding with regard to ruling on the City's motion to dismiss until Rockport has fulfilled its commitment to refund overcharges to ratepayers.

On January 10, 2024, petitioners responded to Rockport's motion to dismiss, opposing the City's motion to dismiss because the higher rates were still on the most recent bills and no refunds had been issued. Petitioners concurred with Commission Staff's proposal to abate the proceeding while monitoring the City's refunds.

On February 15, 2024, the City responded to Order No. 3 stating that Commission Staff did not provide a citation for the Commission's authority over refunds in this type of proceeding. The City also renewed its motion to dismiss this petition.

On February 16, 2024, petitioners responded to the City of Rockport's renewed motion to dismiss, in which they stated the petitioners' support of the motion to dismiss. Petitioners stated that they are unable to verify whether refunds have been provided to all affected customers, but they believe the City completed the refunds.

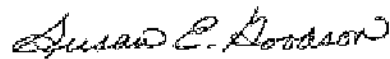
Under Texas Water Code (TWC) § 13.043(e), in a ratepayer appeal of a city's water or wastewater rates, the Commission may among other things, order refunds. And the Commission's general authority under TWC § 13.041(a), states that the Commission is authorized to do all things,

whether specifically designated in this chapter or implied in this chapter, necessary and convenient to the exercise its jurisdiction. Therefore, the Commission may confirm the amount of over collection due to the rate change and subsequent repeal that are the subject of this petition, and that all monies over collected are fully refunded.

By March 14, 2024, Rockport must file documentation demonstrating the amount that was over collected and proof that refunds have been issued. By April 14, 2024, Commission Staff must comment on the sufficiency of the City's refunds and on whether the administrative law judge could treat petitioner's February 16, 2024 concurrence with the City's motion to dismiss as a motion to withdraw the petition. If appropriate, Commission Staff shall propose additional deadlines for continued processing of this petition.

Signed at Austin, Texas on the 21st day of February 2024.

PUBLIC UTILITY COMMISSION OF TEXAS



SUSAN E. GOODSON

ADMINISTRATIVE LAW JUDGE