



Filing Receipt

Filing Date - 2024-04-15 10:35:41 AM

Control Number - 55942

Item Number - 18

DOCKET NO. 55942

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

COMMISSION STAFF’S RECOMMENDATION ON SUFFICIENCY OF THE CITY OF ROCKPORT’S REFUNDS

On December 4, 2023, certain ratepayers (Ratepayers) outside of the City of Rockport (Rockport) filed a petition appealing Rockport's water and wastewater rates under Texas Water Code § 13.043(b)(3) and 16 Texas Administrative Code § 24.101(c)(3).

On February 21, 2024, the administrative law judge (ALJ) filed Order No. 4, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) 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, and for Staff to propose additional deadlines for continued processing of this petition by April 14, 2024.¹ Therefore, this pleading is timely filed.

I. RECOMMENDATION ON SUFFICIENCY OF THE CITY’S REFUNDS

Staff has reviewed the petition, and as detailed in the attached memorandum from Kathryn Eiland of the Rate Regulation Division, recommends that there is not enough information for Staff to make a recommendation on the sufficiency of the refunds. Staff recommends that Rockport be ordered to provide the number of affected customers and the calculation for the refund per customer in native format. Staff respectfully recommends that the City be ordered to file the supplemental information by May 14, 2024 and that Staff be given a deadline of June 14, 2024 to comment on the sufficiency of the City’s refunds. This recommendation does not address the merits of the petition.

II. RECOMMENDATION ON MOTION TO WITHDRAW THE PETITION

In light of Staff’s recommendation that there is not enough information for Staff to make a recommendation on the sufficiency of the refunds, Staff respectfully requests Staff be given a

¹ Under 16 TAC § 22.4(a), if the Commission is not open for business on the date of the deadline, the deadline moves until the end of the next day on which the Commission is open for business. As the agency was closed on Sunday, April 14, 2024, the deadline moves to the next business day, Monday, April 15, 2024.

deadline of June 14, 2024 to address whether the ALJ can treat the petitioner's February 16, 2024 concurrence with the City's motion to dismiss as a motion to withdraw the petition.

III. CONCLUSION

For the reasons detailed above, Staff recommends that Rockport be ordered to file the supplemental information by May 14, 2024 and that Staff be given a deadline of June 14, 2024 to comment on the sufficiency of the City's refunds and to address whether the ALJ can treat the petitioner's February 16, 2024 concurrence with the City's motion to dismiss as a motion to withdraw the petition. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: April 15, 2024

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Lopez Wagley
Division Director

Ian Groetsch
Managing Attorney

/s/ Rowan Pruitt
Rowan Pruitt
State Bar No. 24137425
Scott Miles
State Bar No. 24098103
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7228
(512) 936-7268 (facsimile)
Rowan.Pruitt@puc.texas.gov

DOCKET NO. 55942
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 15, 2024, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Rowan Pruitt
Rowan Pruitt

Public Utility Commission of Texas

Memorandum

TO: Rowan Pruitt, Attorney
Legal Division

FROM: Kathryn Eiland, Regulatory Accountant
Rate Regulation Division

DATE: April 15, 2024

SUBJECT: Docket No. 55942 – *Petition by Ratepayers Appealing the Water and Wastewater Rates Established by the City of Rockport*

On December 4, 2023, certain ratepayers (Petitioners) of the City of Rockport (the City) filed a petition under Texas Water Code (TWC) § 13.043(b) to appeal water and wastewater rates approved by the City. These rates took effect on September 15, 2023.

The City filed a response to Order No. 1 on December 29, 2023, stating that the adopted water and wastewater rates were repealed as of December 13, 2023 due to a printing error in the vendor's notice.¹ The City engaged its billing partner to locate, calculate, and credit the appropriate refunds to ensure that the affected ratepayers received the refunds they were due.² The vendor completed its investigation and refunded the affected ratepayers.³ The affected ratepayers were refunded \$103,873.85 for water service and \$23,576.54 for wastewater service.⁴

On February 21, 2024, the administrative law judge filed Order No. 4, requiring the City to file documentation demonstrating the amount that was over collected and proof that refunds have been issued. In response to Order No. 4, the City only restated the amount that was over collected and a declaration that the total refunds were provided to affected ratepayers.⁵ Based on a review of the refund information submitted by the City, I have determined that it is not sufficient to confirm that all monies over collected are fully refunded. To be sufficient, I recommend that the City provide the number of affected customers and the calculation for the refund per customer in native format.

¹ Response to Order No. 1 and Motion to Dismiss at 4 (Dec. 29, 2023).

² City's Response to Order No. 3 and Renewed Motion to Dismiss at 2 (Feb. 15, 2024).

³ *Id.*

⁴ *Id.*

⁵ Response of Rockport Pursuant to Order No. 4 (Mar. 5, 2024).