



Filing Receipt

Filing Date - 2024-12-04 10:32:03 AM

Control Number - 55942

Item Number - 43

DOCKET NO. 55942

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

**COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF THE CITY OF
ROCKPORT'S REFUNDS**

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

On August 16, 2024, the administrative law judge filed Order No. 11, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the sufficiency of the refunds, and as necessary, to propose a procedural schedule by December 4, 2024. Therefore, this pleading is timely filed.

I. RECOMMENDATION ON SUFFICIENCY OF THE CITY'S REFUNDS

Staff has reviewed the City's additional proof of refunds, filed on October 15, 2024,¹ and recommends that the City has still not sufficiently demonstrated proof of refunds. Specifically, the City did not provide the information required in Order No. 11, as more fully described in the memorandum of Kathryn Eiland attached to Staff's previously filed recommendation. Importantly, Staff still cannot confirm the correct refund amount per meter size with the information given. However, Staff understands the position the City is in and, as such, amends its recommendation. Instead of requiring the City to provide the entire customer data broken down by meter size, Staff recommends that the City be required to provide a random sample of refund proof for each meter size from September 15, 2023 to December 15, 2023 by January 6, 2025. Specifically, Staff can make a recommendation on whether the refunds for each meter size were correctly calculated based on randomly selected out-of-city customers for each meter size for the affected billing periods.

¹ City of Rockport Response Order No. 11 Regarding City's Refunds (Oct. 15, 2024).

Further, as noted by the Petitioners' analysis on October 18, 2024,² the City has to date not provided a response to the issues identified in the Petitioners' analysis on August 5, 2024.³ In turn, Staff recommends that the City provide a response to the Petitioners' concerns.

Lastly, in response to the Petitioners' request for the City to be held accountable,⁴ Staff recommends that the Commission lacks jurisdiction to order any penalty on the City or grant any reimbursement to the Petitioners for any inconvenience, harassment, or expenses incurred during this proceeding. Further, the Commission does not have jurisdiction in this proceeding to review or adjust the City's new rates that went into effect in October 2024. This proceeding is limited to the rates that were implemented in September 2023 and that have since been repealed. Concerns about the October 2024 rates would need to be appealed in a new proceeding pursuant to the requirements under TWC § 13.043(c) and 16 TAC §§ 24.101(b) and 24.103.

II. CONCLUSION

For the reasons detailed above, Staff respectfully requests an order consistent with Staff's foregoing recommendations.

² Response to City of Rockport Response to Order No. 11 Regarding City's Refunds at 2-3 (Oct. 18, 2024) (referring to Paragraph No. 4(h)).

³ Response to City of Rockport Submission of Proof of Refunds and Analysis of Exhibit A Spreadsheet at 2 (Aug. 5, 2024) (referring to Paragraph No. 3).

⁴ Response to City of Rockport Response to Order No. 11 Regarding City's Refunds at 4 (referring to Summary Paragraph No. 3).

Dated: December 4, 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 December 4, 2024, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Rowan Pruitt
Rowan Pruitt