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RATEPAYERS' APPEAL OF THE	§	PUBLIC UTILITY COMMISSION
DECISION BY LEROY-TOURS-GERALD	§	
WATER SUPPLY CORPORATION TO	§	OF TEXAS
CHANGE RATES	§	
	§	

LEROY TOURS GERALD WATER SUPPLY CORPORATION'S
MOTION TO DISMISS

COMES NOW, the Leroy Tours Gerald Water Supply Corporation (“LTG”) and moves to dismiss the appeal and would respectfully show the following:

I. PROCEDURAL HISTORY

On May 14, 2024, the Petitioners filed their Ratepayers’ appeal of the decision by Leroy Tours Gerald Water Supply Corporation to change rates (Petition) purportedly under Texas Water Code (TWC) § 13.043(b)(4) and 16 Texas Administrative Code (TAC) § 24.101 (c)(4). On May 15, 2024, the Administrative Law Judge issued Order No. 1 requiring LTG to file a response to the appeal by June 5, 2024. On May 28, 2024, LTG filed its notice of appearance, then on June 4, LTG filed its Response to the Petition.

II. APPELLATE JURISDICTION

The Texas Water Code provides, among other things, that an appeal under Sec. 13.043 (b) “...must be initiated by filing a petition for review with the utility commission and the entity providing service within 90 days after the effective day of the rate change.” Texas Water Code (TWC) § 13.043(c). The statutory language requires the Ratepayers to file the petition with the entity providing service as a prerequisite to the PUC having appellate jurisdiction over the matter.

III. DEFICIENCY OF NOTICE

On July 1, 2024, the Public Utility Commission (PUC) Staff filed recommendations on the sufficiency of notice. Section I of the Commission Staff's recommendation indicates the ratepayers did not file information in the docket confirming a copy of the appeal was sent to LTG within 90 days after the effective date of the rate change. The Ratepayers did not provide a copy of the appeal to LTG. LTG did not receive a copy of the appeal from the Ratepayers.

The Commission Staff urges the Administrative Law Judge to overlook the lack of notice as LTG did file an appearance and otherwise respond to the petition. However, LTG's response was made as directed by the ALJ Order No. 1. The Ratepayers' deficient notice should not be overlooked.

IV. CONCLUSION AND PRAYER

For the foregoing reasons, LTG respectfully requests that the Commission enter an order dismissing the purported Ratepayers' Appeal captioned above.

Dated: July 1, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on July 1, 2024 in accordance with the Second Order Suspending Rules, issued in Project 50664.

/s/ Daniel Adam Miles

DANIEL ADAM MILES