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Filing Date - 2024-06-04 02:29:55 PM

Control Number - 56610

Item Number - 4

DOCKET NO. 56610

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 RESPONSE TO THE
PETITION TO APPEAL RATES ESTABLISHED BY LEROY-TOURS-GERALD
WATER SUPPLY CORPORATION AND MOTION TO DISMISS

COMES NOW, the Leroy Tours Gerald Water Supply Corporation (“LTG”), by and through its undersigned attorneys of record, and files this Response to the Petition to Appeal Rates Established by the Leroy Tours Gerald Water Supply Corporation 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) under Texas Water Code (TWC) § 13.043(b)(4) and 16 Texas Administrative Code (TAC) § 24.101 (c)(4). The Administrative Law Judge issued Order No. 1 Requiring Responses and Addressing Other Procedural Matters on May 15, 2024, (i) directing LTG to provide a response to the Petition by June 5, 2024, and (ii) requiring the parties, by June 12, 2024, to file comments regarding how to proceed with the Petition and to propose a procedural schedule. Therefore, this Response is timely filed.

II. GENERAL DENIAL AND RESPONSE TO PETITION

The water rates adopted by LTG are just and reasonable and are not unreasonably preferential, prejudicial, or discriminatory. Rather, such water rate schedule is sufficient, equitable, and consistent in application to all ratepayers. Furthermore, LTG denies each and every, all and singular, allegations contained in the Petition and demands strict proof thereof.

LTG requests that the Commission also consider the rate case expenses that LTG will incur in defending this rate appeal, as provided by 16 TAC § 24.101 (e)(2).

Finally, LTG requests that the Petition be dismissed if Commission Staff find that the Petition does not meet the requirements of 16 TAC § 24.103.

III. MOTION TO DISMISS

LTG respectfully requests that the Commission dismiss certain Petitioners if it is determined that the Petition was signed by any Petitioner failing to meet the legal prerequisites of TWC § 13.043(c) and (d), and 16 TAC § 24.101 (b) and (d) because of invalid signatures. Under TWC § 13.043 (d) and 16 TAC § 24.101 (d), in an appeal under TWC § 13.043(b), “each person receiving a separate bill is considered a ratepayer, but one person may not be considered more than one ratepayer regardless of the number of bills the person receives.” Further, pursuant to TWC § 13.043(c) and 16 TAC § 13.043(b), “a petition must be signed by the lesser of 10,000 or 10% of the ratepayers whose rates have been changed and who are eligible to appeal.”

Pursuant to 16 TAC § 22.181 (a), “[u]pon the motion of the presiding officer or the motion of any party, the presiding officer may recommend that the [C]ommission dismiss, with or without prejudice, any proceeding for any reason specified in [16 TAC § 22.181].” LTG respectfully requests that the Commission, at a minimum, dismiss these Ineligible Protestants from the Petition.

IV. CONCLUSION AND PRAYER

For the foregoing reasons, LTG respectfully requests that the Administrative Law Judge (i) accept this general denial, (ii) dismiss the Ineligible Protestants with invalid signatures, and (iii) grant any and all other relief to which LTG is entitled.

Dated: June 4, 2024

Respectfully submitted,

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FILED: via Public Utility Commission of Texas Online Interchange Filing System

DOCKET NO. 526610

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 June 4, 2024 in accordance with the Second Order Suspending Rules, issued in Project 50664.

/s/ Daniel Adam Miles
DANIEL ADAM MILES