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PUC DOCKET NO. 57445

PETITION OF HERITAGE CARDIFF	§	PUBLIC UTILITY COMMISSION
SPE, LLC, APPEALING THE DECISION	§	
OF DECISION BY NORTHWEST	§	OF
HARRIS COUNTY MUNICIPAL	§	
UTILITY DISTRICT NO. 36 TO	§	
CHANGE RATES	§	TEXAS

PETITIONER'S REQUEST FOR ORAL ARGUMENT

1. The Appeal of Order No. 4 (“Appeal”) filed by the Northwest Harris County Municipal Utility District No. 36 (“District”) is currently scheduled for consideration by the Commissioners of the Public Utility Commission of Texas (“Commission”) at an open meeting on April 3, 2025. Pursuant to 16 Texas Administrative Code (“TAC”) § 22.262(d)(1), Petitioner Heritage Cardiff SPE, LLC (“Petitioner”) requests oral argument on the Appeal. Under 16 TAC § 22.262(d)(3), this request is timely filed.

2. Oral argument is necessary to fully address the ramifications of the District’s position on the 90-day period under Texas Water Code § 13.043(c). Specifically, the District appealed Order No. 4, which ruled that Petitioner was affected by a rate change for the purposes of § 13.043 on the day that Petitioner’s rates were changed: November 26, 2024.¹ Therefore, Order No. 4 denied the District’s Motion to Dismiss.² The District argues that the 90-day period began on February 21, 2024 despite the fact that the Petitioner’s water and sewer rates remained the same until November 26, 2024.³

3. The District’s argument was anticipated and rejected by the Commission in Docket No. 56636.⁴ Adoption of the District’s position would allow utility providers to easily evade review under Texas Water Code § 13.043 by: (1) adopting a new water or sewer rate; (2) delaying

¹ See Order No. 4 Denying Northwest Harris County Municipal Utility District No. 36’s Motion to Dismiss (Feb. 18, 2025).

² *Id.*

³ See Northwest Harris County Municipal Utility District No. 36’s Appeal of Order No. 4, at 1–2 (Feb. 28, 2025).

⁴ See *WGA Cardiff, LLC and Heritage Cardiff SPE, LLC’s Appeal of the Decision by Northwest Harris County Municipal Utility District No. 36 to Change Rates*, Docket No. 56636, Order at 1, 6 (Oct. 3, 2024); see also Docket No. 56636, Chairman Thomas Gleeson Memorandum (Oct. 2, 2024).

movement of any ratepayer into the new rate class for 90 days; and (3) after the expiration of 90 days, moving ratepayers into the new rate class. According to the District, no ratepayer could file an appeal under TWC § 13.043 disputing the justness and reasonableness of those rates because the appeal would either be unripe if filed *prior* to moving the ratepayer into the new rate class or untimely if filed *after* moving the ratepayer into the new rate class.

4. Therefore, in the interests of justice, Petitioners request oral argument be granted for Docket No. 57445 at the April 3, 2025, Commission open meeting. The undersigned counsel will be present and available to present the issues and answer any questions from the Commissioners.

Dated: March 27, 2025

Respectfully submitted,

/s/ Cole Hutchison

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties in this proceeding on March 27, 2025 via email in accordance with the Commission's Second Order Suspending Rules issued in Project No. 50664 on July 16, 2020.

/s/ Cole Hutchison

Cole Hutchison