PUC's DUO Regional Water Workshop

"WE'RE FROM THE GOVERNMENT AND WE'RE HERE TO HELP"



PUC Introduction, Jurisdiction & Legislative Updates

TAMMY BENTER, DIRECTOR

DEPARTMENT OF UTILITY OUTREACH



Topics of Discussion

This presentation will briefly cover:

- Introduction
- **PUC Jurisdiction**
- **Sever Utilities**



History: How Did Water & Sewer Regulation Reach the PUC?

Economic regulation of retail water and sewer service transferred from TCEQ to PUC on September 1, 2014.

PUC gained authority over service area boundary applications (Certificates of Convenience and Necessity) and rate reviews.

TCEQ maintained jurisdiction over the health and safety factors, infrastructure and water/sewer quality matters.



Water & Sewer CCNs

Which retail public utilities need a CCN?

- **IOUs**
- WSCs
- Political subdivisions must obtain a CCN only if they are proposing to serve in an area already lawfully being served by another entity.



Water & Sewer CCN Holders

	Water	Sewer
Counties	1	0
Districts	201	112
Cities	618	518
WSCs	757	63
IOUs	482	138

Number of Retail Public Utilities holding CCNs in Texas



PUC Jurisdiction: Retail Water and Sewer Rates

PUC has original jurisdiction over rates and service policies of Investor Owned Utilities outside the corporate limits of a city.

PUC has appellate jurisdiction over:

- Outside city customers receiving service from a city;
- © District customers (both inside and outside the district's boundaries)
- WSC customers



PUC's Jurisdiction: Wholesale Water & Sewer Rates

Appellate jurisdiction over wholesale water and sewer rates

- **Appellant must demonstrate public interest**
- Wholesale provider then must justify wholesale rate



Senate Bill 700

- Streamlined ratemaking for small and mid-sized utilities
- **Added new Class D utility group**
- Divided the Class B group



Senate Bill 700 (Continued)

- **♠ Allowed Class D utilities to get 5% increase on base rate and gallonage charges (TWC §13.1872)**
- Allows a temporary rate for a nonfunctioning utility to remain in effect after acquisition (TWC §13.046)



Senate Bill 700 (Continued)

- © Gave PUC authority to implement alternative rate methods
 - **§** Introduction of new customer classes
 - © Cash needs method
 - **Phased and multi-step rate changes**
 - **System Improvement Charges (SIC)**
- **Updated notice language for rate cases**



IOU Classification	From	То
Class A	10,000	Up
Class B	2,300	9,999
Class C	500	2,299
Class D	0	499

Note: For the purpose of determining the classification of a utility, the number of retail water connections or taps is used. If the retail public utility provides only retail sewer service, then the number of sewer connection or taps is used to determine the classification of the utility.



Annual Reports

All IOUs are required to file an annual report

- **3** 2019 filing is due June 1, 2020
- **⑤** For 2020 use new forms to be adopted by Commission at a later date



House Bill 3542

- Fair Market Value (FMV)
 - © Created an optional and voluntary valuation appraisal process to determine the asset value of a public or private water or sewer system at acquisition
 - **Requires PUC to maintain a list of appraisers for use by this section**
 - **§** FMV is determined prior to the filing of a Sale/Transfer/Merger (STM) proceeding



House Bill 3542 (continued)

- § Financial/Managerial/Technical (FMT) Report Requirement
 - **8** Required for Class B, C and D Utilities
 - FMT report must be filed with PUC no later than the 3rd anniversary of the date the utility violates a final order of the TCEQ for capacity, pressure, or lack of calibrated equipment
 - **PUC** must inform the legislature of the need for the report, the filing of the report, or lack of filing of the report.



Senate Bill 2272

- **Applies to expedited release and streamlined expedited release requests of a** CCN
- Removes "useless and valueless" language from law
- **Provides clear timelines for a decertified utility to receive compensation**



Senate Bill 2272 (continued)

- Requires appraisers to help determine the value of adequate and just compensation required (within 60 days after receiving final appraisal up to 160 days after approval)
- Requires compensation to be paid to the CCN holder by the landowner before service can be rendered (within 90 days)



Questions?

Contact me at:

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The PUC's Approach to Customer Protection

CUSTOMER PROTECTION DIVISION



What We Do

Assist Texas customers with informal complaints regarding local telephone, electric and water service.

Educate the public of their rights and customer protections relating to local telephone, water and electric service.

Manage Texas Electric Choice Call Center.

Oversee Texas No Call List.



Organization of CPD

Intake Center

Complaint Investigation

Customer Education

Licensing and Compliance



Intake Center

- **Phone** (888-782-8477)
- **© U.S. mail**
- Faxes
- Email
- Online
- Walk-Ins

Our Intake Center staff are the front line in gathering information from customers to file complaints or provide information on regulated utilities.



Customer Complaints

Guided by: 16 TAC §24.153(b)(3).

Each utility shall make an initial response to the commission within 15 days of receipt of a complaint from the commission on behalf of a customer or service applicant.

The commission may require a utility to provide a written response to the complainant, to the commission, or both.

Pending resolution of a complaint, the commission may require continuation or restoration of service.



Informal Complaints

Our Investigator staff analyzes informal complaints filed by utility customers for possible resolution. Investigators perform the following for each complaint under review:

- Provide notice of the complaint to utilities.
- Review information provided by both the customer and utility to determine utility compliance with Commission rules.
- **Provide written response to both the customer and utility explaining CPD's determination of compliance.**



Email Notice of Complaint

Contains customer name and complaint number.

Attached complaint cover sheet and customer files.

Includes request for information related to all complaints.

Provides instructions regarding disconnection of service while complaint is pending, and asks to restore service if already disconnected.

Advises how to email your response.

Do not change the subject line in your reply email.



Utility Response

Must address all issues raised by the customer.

Must be written, preferably sent as a Microsoft Word or PDF attachment.

Include all documentary evidence to support compliance with Commission rules.

- **Bills**
- Disconnection Notices
- Meter test results
- **Applicable tariff**



Utility Response

Prior to sending your response, please contact CPD as soon as possible with any questions or concerns regarding a complaint.

Especially important if you receive a complaint intended for another utility.

immediateattention@puc.texas.gov



Utility Response

Response is due within 15 days of CPD's notice.

If sent via email, send to <u>puccomplaints@puc.texas.gov</u>.

Do not change the subject line in your reply email.

Responses written in the body of email have all formatting and pictures removed.

If sent via postal service, the response must be received by CPD within 15 days.



CPD's Determination

A complaint is assigned to an Investigator once the utility's response is received by CPD.

Investigators review information provided by both the customer and the utility to determine whether the utility's actions comply with Commission rules.

The investigator may contact the customer or the utility if more information is needed.



CPD's Determination

The Investigator's determination is provided in writing via letter to both the customer and the utility.

Possible compliance issues will be identified in the letter.

Corrective action may be recommended by the Investigator.

Informal complaints are not adjudicated by the Commissioners.



Appeal

Utilities that disagree with CPD's decision may submit an appeal to CPD management.

appeals@puc.texas.gov.

The appeal should state a position on why the decision should be reversed and include any documentation to support the position.

CPD management will provide the utility a written response to the appeal.

An additional letter will be sent to the customer if the Investigator's decision is overturned.



No Response

Failing to respond to an informal complaint within 15 days is considered a possible inconsistency with 16 TAC §24.153(c)(3).

CPD will review any late response received and make a determination on compliance.

CPD notifies customers of their right to file a formal complaint at the Commission when a complaint is 35-days old without a utility response.



Formal Complaint

If not satisfied with the results of CPD's investigation, the customer may file a formal complaint at the Commission according to 16 TAC § 22.242(d).

A formal complaint is similar to a court case and may result in a hearing and decision by the Commissioners.

CPD is not involved in resolving formal complaints.

A brochure on the formal complaint process is available on the in the File a Complaint section Commission's website.



Access to Portal & Complaints Application

The portal allows utilities to update general contact information and provides access to the Complaints Application, which allows utilities to view the following:

- © Complaints information.
- Status of complaints.



QUESTIONS?



The Rate Setting Process

UTILITY OUTREACH DIVISION PUBLIC UTILITY COMMISSION OF TEXAS



Topics of Discussion

This presentation will briefly cover:

- **Rate Setting Process**
- **8 Rate Setting for IOUs Alternative Rate Methods**
- **Rate Appeals**



PUC Jurisdiction – Refresher

PUC has original jurisdiction over rates and service policies of Investor Owned Utilities outside the corporate limits of a city.

PUC has appellate jurisdiction over:

- Outside city customers receiving service from a city;
- © District customers (both inside and outside the district's boundaries)
- WSC customers



Do I Need to Change My Rates?

How do I determine if I need to change my rates?

What are my next steps?

Do I need a rate study?



Why Is a Rate Study Important?

Helps to maintain the long-term health and integrity of the utility

Outlines policies, priorities and plans of the utility

Determines the "true cost pricing" of water or sewer utility service

Tracks budgets and cost information



Why Is a Rate Study Important?

Evaluates rates and equity between customer classes

Communicates financial decisions to customers and lenders

Management tool and guide for directors and investors



Conducting a Successful Rate Study

Complete the rate study before changing rates – especially for public entities

Contains a blend of information including:

- Financials/Accounting records
- Engineering
- **© Customer Service**
- Administration



IOU Rates

What happens next?



Rate Applications - IOUs

Class A Utilities must file a complete rate filing package with testimony – referred to SOAH Automatically

Class B Utility applications are less complex than Class A

Class C Utility applications are less complex than Class B



Rate Applications – IOUs

Class D Utilities can file for a flat 5% increase on their base rate and gallonage charge up to four times before truing it up with a Class C rate application filing

Class D Utilities that need more than 5% can file a Class C rate application



Alternative Rate Setting - IOUs

Introduction of New Customer Classes

Cash Needs Method

Phased and multi-step rate changes

System Improvement Charges (SIC)

*Note: Rule packages for these coming soon.



Pass Through Clauses

Pass Throughs - Only to pass through actual costs charged to a utility.

- © Changes in purchased water or sewer charges
- **Temporary water rate for mandatory restrictions**
- **©** Governmental entity charges
- © Combined pass through



Surcharges

Surcharge – authorized to collect revenues over and above the usual cost of service

- **Extra sampling fees (over a specified period of time)**
- © Capital improvements surcharge when necessary to fund plant and design, no rate of return
- Debt repayments surcharge



IOU vs. Public Utility

"Used and Useful"

IOUs:

- Pay for asset upfront and recover the cost of an asset through rates over life of asset
- Depreciation expense
- © Opportunity to earn a reasonable rate of return on investment
- **Based on historical and known and measurable expenses**



IOU vs. Public Utility

IOUs:

- © Typically use "Utility Method" to set rates
- **§ 10% of affected ratepayers for auto referral**
- Set by regulatory authority



IOU vs. Public Utility

Public Utility:

- Budget for an asset, put it into service and begin recovering the cost of the asset
- **Solution** Typically use "Cash Needs Method"
- Usually based on budget
- May be subsidized by other fees or taxes
- Debt service coverage
- Set by board or city council or governing body
- Reviewed by PUC when 10% or 10,000 protests, whichever is less, is received



PUC Water and Sewer Rate Appeals – WSCs and Districts

PETITION REVIEW PROCESS

Petition is submitted to PUC, scanned into interchange, and assigned a docket number.

Program area experts, legal staff and PUC Administrative Law Judge (ALJ) are assigned.

PUC Staff contacts provider to determine number of affected ratepayers eligible to protest.

PUC Staff reviews petition to determine completeness.



PUC Water and Sewer Rate Appeals – WSCs and Districts

PETITION REVIEW PROCESS

If complete, Staff makes a recommendation on completeness and PUC ALJ issues order to accept the petition for filing.

Appeal is referred to State Office of Administrative Hearings (SOAH) to schedule a contested case.

SOAH assigns an ALJ to hear appeal.

Prehearing conference is scheduled and ALJ names parties to the case. ALJ sets schedule for hearing.



Rate Hearing Process: All Utilities

For Appeals –

- PUC Staff seeks information from utility provider to determine methodology used to set rates.
- **PUC Staff can only use information that was available at the time the provider made the decision to change rates.**

PUC Staff also seeks information from other parties.

Parties begin discovery and have an opportunity to enter into settlement.



Rate Hearing Process: All Utilities

Parties use discovery to formulate a position and issue testimony.

PUC Staff makes recommendation on the rates set by board.

PUC Staff may recommend alternate rates.

PUC Staff may recommend refunds or allow a surcharge to recover lost revenues and reasonable rate case expenses.



Rate Hearing Process: All Utilities

Once hearing is complete, the SOAH ALJ prepares a Proposal for Decision (PFD).

PFD is submitted to PUC Commissioners for consideration.

PUC Commissioners make the final decision on appeal.



Public Education & Outreach

Transparency & Communication is essential

Hold a Public Meeting to Discuss Rate Study

Bill Inserts

Establish a Rate Committee

Frequently Asked Questions

Website Information

Consider bill calculator on website



QUESTIONS?



Critical Infrastructure Security and Risk Management



MISSION

Mission:

We protect customers, foster competition, and promote high quality infrastructure.

What We Do:

Work with utilities to insure the use of cyber and physical security best business practices as well as connect them to available state and federal resources.



Cybersecurity Fundamentals for Water & Wastewater Utilities (Water-ISAC)

- 1) Perform Asset Inventories
- 2) Assess Risk
- 3) Minimize Control System Exposure
- 4) Enforce User Access Controls
- 5) Safeguard from Unauthorized Physical Access
- 6) Install Independent Cyber-Physical Safety Systems
- 7) Embrace Vulnerability Management
- 8) Create a Cybersecurity Culture
- 9) Develop and Enforce Cybersecurity Policies and Procedures

- 10) Implement Threat Detection and Monitoring
- 11) Plan for Incidents, Emergencies and Disasters
- 12) Tackle Insider Threats
- 13) Secure the Supply Chain
- 14) Address All Smart Devices (IoT, IIoT, Mobile, etc.)
- 15) Participate in Information Sharing and Collaboration Communities



Cybersecurity Fundamentals for Water & Wastewater Utilities (Chuck's Top 10)

- 1) Perform Asset Inventories
- 2) Assess Risk
- 3) Minimize Control System Exposure
- 4) Enforce User Access Controls

- 5) Create a Cybersecurity Culture
- 6) Develop and Enforce Cybersecurity Policies and Procedures

- 7) Implement Threat Detection and Monitoring
- 8) Plan for Incidents, Emergencies and Disasters
- 9) Secure the Supply Chain
- 10) Participate in Information Sharing and Collaboration Communities



1) Perform Asset Inventories

Asset Inventory Database

Unauthorized Assets

Physical Inspection



2) Assess Risks

Risk assessments are instrumental in identifying security gaps and vulnerabilities.

Risk = Threat x Vulnerability



3) Minimize Control System Exposure

External (Untrusted) Pathways

Network Segmentation

Restrict Traffic



4) Enforce User Access Controls

Role-Based Access Control
Principle of Least Privilege
Password Hygiene

Multifactor Authentication
Off-Boarding



5) Create a Cybersecurity Culture

Executive and Board Engagement – Leadership is Crucial for Culture Change

Cybersecurity Awareness Training



6) Develop and Enforce Cybersecurity Policies and Procedures

Rinse, Repeat, and Audit

Invite Key Stakeholders to the Process



7) Implement Threat Detection and Monitoring

Logging and Auditing

Passive, Active, or Hybrid Monitoring

Independent Monitoring of Critical Instrument Values



8) Plan for Incidents, Emergencies and Disasters

Cyber Incident Response Plan

Disaster Response Plans

Practice Makes Proficient



9) Secure the Supply Chain

Notification Requirements

Vendor Remote Access

Vendor Patching/Updates



10) Participate in Information Sharing and Collaboration Communities

MS-ISAC

Water-ISAC

CISA Regional Protective Security Advisor



Resources

MS-ISAC - https://www.cisecurity.org/ms-isac/

Water-ISAC - https://www.waterisac.org/

CISA Regional Protective Security Advisor - https://www.cisa.gov/protective-security-advisors

ICS Training - https://www.us-cert.gov/ics/Training-Available-Through-ICS-CERT

Supply Chain Resources - https://www.dni.gov/index.php/ncsc-what-we-do/ncsc-supply-chain-threats

CISA - https://www.cisa.gov/cybersecurity



QUESTIONS?



Department of Utility Outreach (DUO)

PUBLIC UTILITY COMMISSION (PUC) MAP VIEWER

PUC WATER UTILITY DATABASE (WUD)

ASSISTANCE FOR UTILITIES



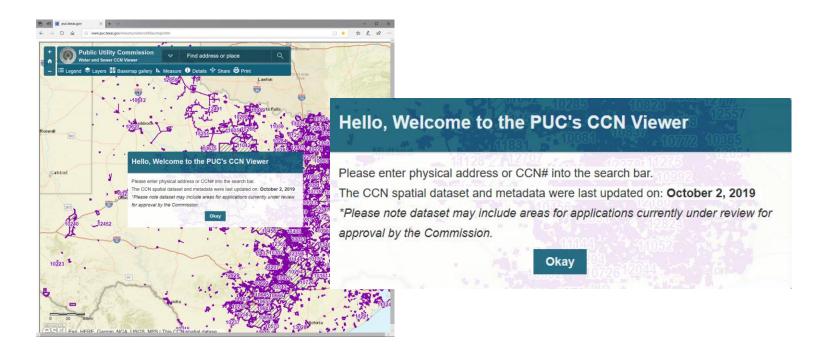
PUC Map Viewer

http://www.puc.texas.gov/industry/water/utilities/gis.aspx



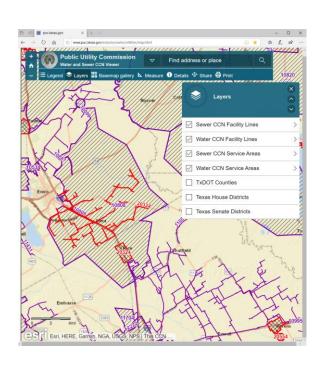


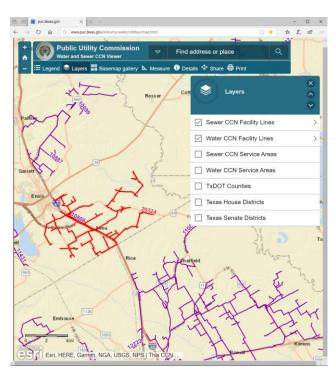
PUC CCN Viewer

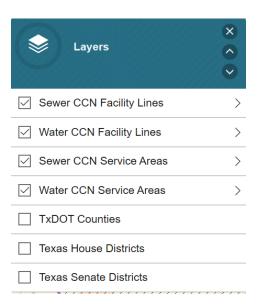




WATER & SEWER CCN VIEWER



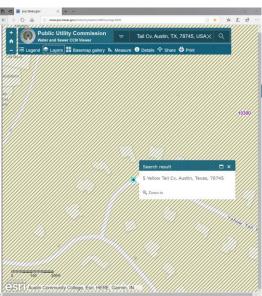






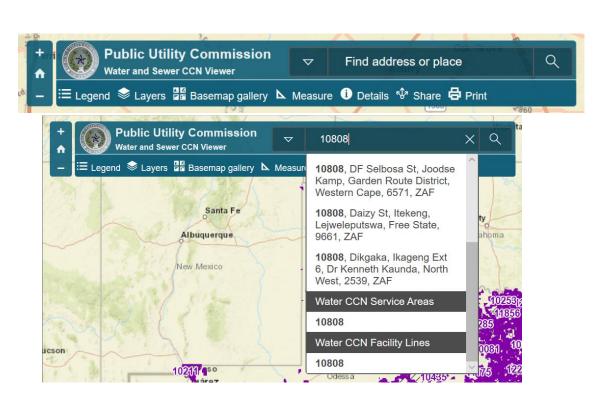
LOCATE PROVIDER BY ADDRESS

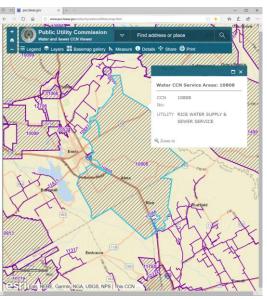






LOCATE PROVIDER BY CCN #







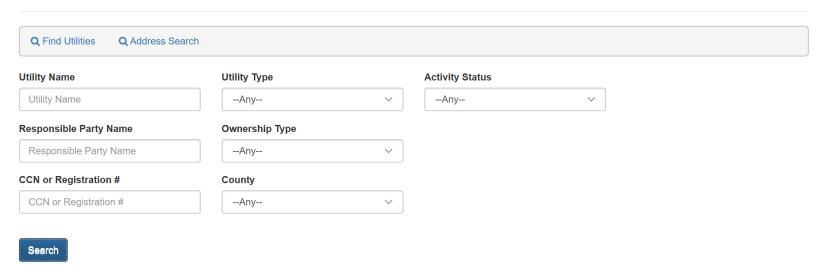
PUC Water Utilities Database (WUD)

http://www.puc.texas.gov/watersearch



LOCATE WATER UTILITIES DATABASE

Find a Water Utility

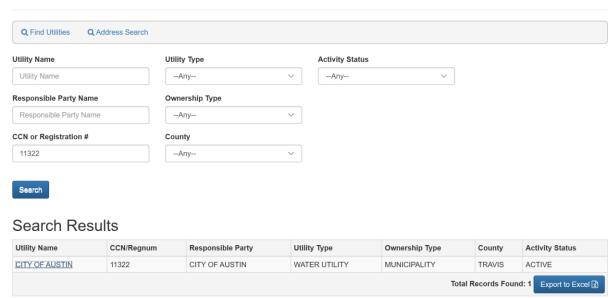


http://www.puc.texas.gov/watersearch



SEARCH BY CCN NUMBER

Find a Water Utility





SEARCH BY CCN NUMBER

Site Details

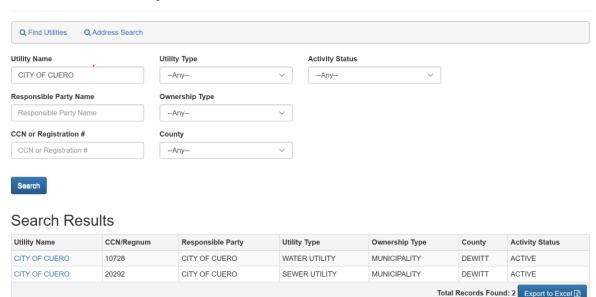
Properties		Official Address		Responsible Party
Name CCN/Regnum Utility Type Ownership Type Primary County AIS Number	CITY OF AUSTIN 11322 WATER UTILITY MUNICIPALITY TRAVIS	PO BOX 1088 AUSTIN TX 78767 - 1088		Organization Name CITY OF AUSTIN Address PO BOX 1088 AUSTIN TX 78767 - 1088 BUSINESS PHONE 1 (512) 974-2089
Activity				
Activity Status			Start Date	
ACTIVE			12/3/2009	
Affiliates				
Organization Name		Individual Name	Role	
CITY OF AUSTIN		LEE LEFFINGWELL	MAY	OR
CITY OF AUSTIN		SHARON SMITH	UTIL	ITY CONTACT
CITY OF AUSTIN			RESI	PONSIBLE PARTY

Name	Primary
BASTROP	
HAYS	
TRAVIS	✓



SEARCH BY UTILITY NAME

Find a Water Utility





SEARCH BY UTILITY NAME

Properties	
Name	CITY OF CUERO
CCN/Regnum	10728
Utility Type	WATER UTILITY
Ownership Type	MUNICIPALITY
Primary County	DEWITT
AIS Number	

Official Address

CUERO TX 77954

Organization Name CITY OF CUERO Address

> PO BOX 512 CUERO TX 77954

BUSINESS PHONE 1 (512) 275-3476

Responsible Party

Activity

ACTIVE Status Start Date
ACTIVE 3/1/1986

Affiliates

 Organization Name
 Individual Name
 Role

 CITY OF CUERO
 RESPONSIBLE PARTY

Counties

Name Primary

DEWITT ✓



ASSISTANCE FOR UTILITIES

Free onsite assistance through contract with Texas Rural Water Association (TRWA).

Requests for assistance should be made directly to me via email or phone call.

Once referral is complete, the TRWA contractor should reach out within 2 weeks.



FINANCIAL & MANAGERIAL (FM) ASSISTANCE REFERRAL FORM

	Date Sent to Contractor:		Referred	Referred By:		Lisa Fuentes		Priority: Z Routine Hith Priority	
Name of Utility:		FUENTES	FUENTES WATER COMPANY						
Physical Location:		100 MAIN	100 MAIN STREET, ANYTOWN, 00000						
CCN No. PWS		S ID No. (Op	ID No. (Optional)		County(ies)				
1####			1#####			ANY			
Utili	ty Cont	act:		NOAH SM	ITH				
Title:	OA	vner		Pho	ne Numbe	r: 512/###	2522 Fa	x Number:	
Type of Utility:	□ WS	r		District	- Mani	cipality	Z Investo	or-owned	
Nature of Referral:			District	- Mun	cipanty E investor o		A-Owned	witer	
Available Tasks		Assim	nment a	nd Referral	Select up t	o three task	s):		
3) - Business I 4) - Managing 5) - Water Sup Formations/Crea 6) - Debt Payn 7) - Financial 8) - Financial 9) - Rate/Tari 10) - Rate Stu	Collections nents Records : Statement Change dy Lecounts	and Recuts Applic and Co	(WSC) ord Keep ations mpletion	ing	Association 19) = Pe 20) = Re 21) = Re 22) = Se 23) = St 24) = Tr 25) = Te 26) = Ar 27) = W	ns or Water St titions to Cea:	apply Corporation of the Corpora	ration Member as lanager/Superv ications	Property Owners s rision of a Utility
□ 12) - Tariff Pre □ 13) - Capital in ✓ 14) - Certificat Applications and □ 15) - Customer	e of Con Service A	reas			30) - C	onsolidation A	ssistance		



TYPES OF ASSISTANCE

1) - Billing and Accounting	□ 16) - Customer Service Agreements
2) - Budgeting	17) - Customer Service and Relations
3) – Business Plans	☐ 18) – Meeting with Home Owners Associations, Property Owners Associations or Water Supply Corporation Members
 4) – Managing Collections/Disconnections 	19) – Petitions to Cease Operations
□ 5) - Water Supply Corporation (WSC) Formations/Creations	20) – Receivership/Temporary Manager/Supervision of a Utility
6) – Debt Payments	21) - Record Keeping
7) - Financial Records and Record Keeping	22) - Sale/Transfer/Merger Applications
8) – Financial Statements	23) - Stock Transfer Applications
9) - Rate/Tariff Change Applications	24) – Tax Exempt Status Matters
10) - Rate Study	25) - Termination Agreements
11) - Reserve Accounts	26) – Annual Reports
12) - Tariff Preparation and Completion	27) – WSC Conversions
13) - Capital improvement Plans	28) - PUC Compliance Regulation
✓ 14) – Certificate of Convenience and Necessity (CCN) Applications and Service Areas	29) - Board/Council Training
15) - Customer Complaint Issues	30) – Consolidation Assistance
	oo) – Other



QUESTIONS?

Lisa Fuentes

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Phone: 512/936-7184



PUC's DUO Regional Water Workshop

"WE'RE FROM THE GOVERNMENT AND WE'RE HERE TO HELP"

