



RAILROAD COMMISSION OF TEXAS

HEARINGS DIVISION

July 30, 2019

To: All Parties of Record

Re: **GUD No. 10844, consolidated:** Statement of Intent of Texas Gas Service, a Division of ONE Gas, Inc., to Increase Rates to Recover Hurricane Harvey Response Costs Within the Gulf Coast Service Area

-and-

GUD No. 10876: Appeal of Texas Gas Service Company, a Division of ONE Gas, Inc From the Actions of the Cities of Groves, Nederland, Port Arthur, and Port Neches

Hearings Letter No. 13 Consolidation of GUD 10876 Appeal

On April 16, 2019, Texas Gas Service, a Division of ONE Gas, Inc., (“TGS”) filed with the Commission a statement of intent to increase rates to recover Hurricane Harvey Response Costs within the Gulf Coast Service Area (the “SOI”). The SOI was docketed as GUD No. 10844. On July 17, 2019, TGS timely filed with the Commission a petition for review from the actions of four municipalities¹ denying TGS’ proposed two-year Hurricane Harvey Surcharge (the “Appeal”). The Appeal was docketed as GUD No. 10876.

In its appeal, TGS requests consolidation with GUD No. 10844 (the SOI docket). In support, TGS argues: (1) the proposed Hurricane Harvey Surcharge at issue in the Appeal is the same as that already under consideration in the SOI docket, and (2) the Appeal and the SOI involve identical issues of fact and law.² No party timely opposed TGS’ motion to consolidate dockets.

The ALJ finds that GUD Nos. 10844 (the SOI docket) and 10876 (the Appeal) involve common questions of law and fact and that consolidation is proper under Commission Rule § 1.106 (Consolidation and Joint Hearings).³ Accordingly, TGS’s motion to Consolidate dockets is **GRANTED** and GUD 10876 is hereby consolidated in its entirety with GUD No. 10844.

¹ The Cities of Groves, Nederland, Port Arthur, and Port Neches. These four municipalities are intervenors in GUD 10844.

² See Appeal at 5.

³ Commission Rule § 1.106 (“When two or more applications, petitions, or other proceedings involve common questions of law or fact, the appropriate division director, the Hearings Director, or the examiner may consolidate the proceedings or direct that there be a joint hearing without formal consolidation and may take other action to avoid unnecessary costs or delay and to ensure due process.”).

July 30, 2019

Now consolidated, the GUD No. 10876 Appeal is subject to all the previous rulings in the GUD No. 10844 SOI docket, including those pertaining to the protective order⁴ and procedural schedule.⁵

Sincerely,



Dee Marlo Chico
Administrative Law Judge

cc: Service List

⁴ Hearings Letter No. 03 (Post-Prehearing Conference Rulings, Deadlines, and Other Issues), issued May 8, 2019.

⁵ Hearings Letter No. 05 (Procedural Schedule), issued May 20, 2019. Although deadlines for Intervenors' and Staff's direct testimony and discovery deadlines were abated, no changes were made to the remaining deadlines in the procedural schedule, including the August 1, 2019 hearing on the merits. *See* Hearings Letter No. 10 (Parties' Request to Abate the Existing Testimony and Discovery Deadlines; Joint Motion to Dismiss), issued July 3, 2019.

Service List

GUD No. 10844

Statement of Intent of Texas Gas Service, a Division of ONE Gas, Inc., to Increase Rates to Recover Hurricane Harvey Response Costs Within the Gulf Coast Service Area

Administrative Law Judge: Dee Marlo Chico
Technical Examiners: Rose Ruiz and James Currier

**Texas Gas Service Company
(Applicant)**

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cc: Kari French, RRC Austin – Director, Oversight & Safety Division
Mark Evarts, RRC Austin – Director, Marketing Oversight Section

16 TEX. ADMIN. CODE § 1.7 (Ex Parte Communications):

- (a) *Ex parte communications are prohibited in contested cases as provided in the APA and other applicable rules including the Texas Disciplinary Rules of Professional Conduct.*
- (b) *Each party shall provide all other parties with a copy of all documents submitted to an examiner.*
 - (1) *The attachment of a certificate of service stating that a document was served on a party creates a rebuttable presumption that the named party was provided a copy.*
 - (2) *Failure to provide a copy to all other parties may result in rejection and return of the document without consideration.*

Service List

GUD No. 10876

Appeal of Texas Gas Service Company, a Division of ONE Gas, Inc
From the Actions of the Cities of Groves, Nederland, Port Arthur, and Port Neches

Administrative Law Judge: Dee Marlo Chico
Technical Examiners: James Currier and Rose Ruiz

**Texas Gas Service Company
(Petitioner)**

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