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**SOAH DOCKET NO. 473-14-5144
PUC DOCKET NO. 42866**

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PUBLIC UTILITY COMMISSION
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PETITION OF TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 12 APPEALING CHANGE OF WHOLESALE WATER RATES IMPLEMENTED BY WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY, CITY OF BEE CAVE, TEXAS HAYS COUNTY, TEXAS AND WEST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5	§ § § § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 12'S
MOTION AMENDING ITS JURISDICTIONAL CLAIM
AND TCEQ'S EXECUTIVE DIRECTOR MOTION TO WITHDRAW**

COMES NOW Travis County Municipal Utility District No. 12 ("TCMUD 12") and files this Motion Amending its Jurisdictional Claim, and the TCEQ's Executive Director Motion to Withdraw from this docket, and in support thereof would respectfully show the following:

TCMUD 12 filed its Petition Appealing Change of Wholesale Water Rates at TCEQ on March 6, 2014 and asserting jurisdiction under TEX. WATER CODE §§ 11.036, 11.041, 12.013 and 13.043(f) and TEX. LOCAL GOV'T CODE § 572.061(d). At the June 11, 2014 preliminary hearing, Administrative Law Judge William G. Newchurch accepted jurisdiction over the Petition under TEX. WATER CODE §13.043(f), but did not rule on other claimed, but disputed, jurisdictional basis.¹ The Petition was scheduled to proceed pursuant to 30 TEX. ADMIN. CODE §§ 291.133 and 291.134, which was applicable to cases arising under Water Code Chapters 11, 12 and/or 13.

On September 1, 2014, pursuant to changes to the Texas Water Code wrought by HB 1600 and S.B. 567,² jurisdiction over the Petition was transferred to the Public Utility Commission ("PUC"). The jurisdictional transfer conferred jurisdiction on the PUC to consider Petitions, such as this one, arising under Texas Water Code Chapters 12 and 13, but did not

¹ SOAH Order No. 1 (Jun. 12, 2014).

² Acts 2013, 83rd Leg., R.S., Ch. 170 (H.B.1600), eff. Sept. 1, 2013 and Acts 2013, 83rd Leg., R.S., Ch. 171 (S.B. 567), eff. Sept. 1, 2013.

confer jurisdiction on the PUC for matters arising under Texas Water Code Chapter 11.³ The Petition is now being processed pursuant to P.U.C. Subst. R. 24.128 *et. seq.*, which is the set of rules governing Wholesale Water and Sewer Service rates that is virtually identical to the TCEQ's rules, but for the change of agency to the PUC.

As a result of the changes or lack of change to the Water Code as described above, it appears to TCMUD 12 and to the Executive Director of TCEQ that the Executive Director remains a party to this petition, which is now pending at the PUC. In addition, the Staff of the PUC is also a party to this case.

The standard for review and the procedure for processing this Petition is identical whether jurisdiction attaches under Chapter 11, 12 or 13 of the Water Code. Accordingly, in the interest of inter-agency efficiency, TCMUD 12 hereby amends its Petition to withdraw the claim of jurisdiction under TEX. WATER CODE §§ 11.036 and 11.041.

Assuming this Motion to Amend the Jurisdictional basis for this Petition is granted, the Executive Director of TCEQ hereby Moves to Withdraw from this Docket.

³ See, TEX. WATER CODE §§ 12.013 and 13.043(f), and contrast §§ 11.036 and 11.041.

WHEREFORE, PREMISES CONSIDERED, TCMUD 12 respectfully requests that the Honorable Administrative Law Judge grant this Motion to Amend the Jurisdictional Basis for TCMUD 12's Petition, and upon granting this Motion, also grant the Executive Director of TCEQ's Motion to Withdraw from this matter, and for such further relief to which they may be entitled.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been sent as indicated below to the following persons on this 12th day of September, 2014.


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