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STEPHEN P. WEBB  
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September 25, 2014

Honorable Pratibha J. Shenoy  
Administrative Law Judge  
State Office of Administrative Hearings  
300 West 15<sup>th</sup> Street, Suite 502  
Austin, Texas 78707

Honorable Beth Bierman  
Administrative Law Judge  
State Office of Administrative Hearings  
300 West 15<sup>th</sup> Street, Suite 502  
Austin, Texas 78707

**RE: SOAH Docket No. 473-14-5138 and PUC Docket No. 42857; Petition of North Austin MUD No. 1, Northtown MUD, Travis County WC&ID No. 10, and Wells Branch MUD appealing the FY 2013 Wholesale Water Rates of the City of Austin,**

**and**

**SOAH Docket No. 473-14-5138 and PUC Docket No. 42867; Petition of North Austin MUD No. 1, Northtown MUD, and Wells Branch MUD appealing the FY 2014 Wholesale Wastewater Rates of the City of Austin.**

Dear Judge Shenoy and Judge Bierman:

Counsel for the City of Austin ("Austin" or the "City") have reviewed the Administrative Law Judges' ("ALJs") Order No. 12 that was received at 1:37 p.m. today, September 25, 2014.

Naturally, the City is disappointed with the ALJs ruling on Petitioners' Second Motion to Compel Responses to Petitioners' Third Request for Production for Documents and Request for Sanctions ("Petitioners Second Motion"), but the City is particularly dismayed that the order fails to acknowledge or even mention either of the City's responses to Petitioners' Second Motion. The Administrative Law Judges neither granted nor denied Austin's Request for Extension of Time nor its Reply to Petitioners' Second Motion to Compel.

Even more perplexing, the City notes that in Footnote 2 on page 2 of Order No. 12, the ALJs seem to state that the City filed a "pleading" entitled "City of Austin's Fourth Supplemental Response to Petitioners' Third Request for Production of Documents" in response to the ALJs'

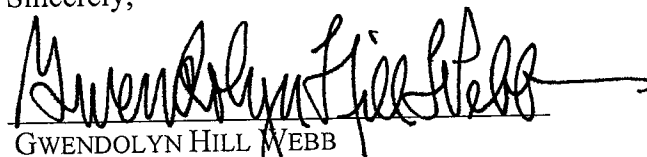
oral advice to the parties through an assistant ("Cindy Cortez") that the City had until 12:00 noon on September 25, 2014 to respond to Petitioners' Second Motion.


The purpose of this letter is to advise the ALJs that the City filed two actual pleadings prior to 12:00 noon on September 25, 2014. The first pleading styled Request for Extension of Time was filed at 11:10 a.m. Because there was not acknowledgement or ruling on that request, the City filed its Reply to Petitioners' Second Motion to Compel at 11:57 a.m. The City's "Fourth Supplemental Response to Petitioners' Third Request for Production of Documents" was not a pleading, but was a supplemental discovery response, on which the ALJs were copied.

The City of Austin hereby requests that the ALJs clarify whether the City's timely pleadings in response to Petitioners' Second Motion were received and/or considered by them prior to the issuance of Order No. 12.

Thank you for your attention to this matter.

Sincerely,

  
GWENDOLYN HILL WEBB

  
STEPHEN P. WEBB

cc: Randy Wilburn, John Carlton, and Hollis Henly