



Control Number: 42937



Item Number: 7

Addendum StartPage: 0

RECEIVED
DOCKET NO. 42937

2014 NOV 25 PM 4:12

PETITION OF FORT BLISS WATER
SERVICES COMPANY FOR A CEASE
AND DESIST ORDER AGAINST
PRIDE INDUSTRIES IN EL PASO
COUNTY (37305-D)

§
§
§
§
§

PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

**ORDER NO. 3
DISMISSING PETITION**

Fort Bliss Water Services Company (Company) filed with the Texas Commission on Environmental Quality (TCEQ) a petition for a Cease and Desist Order against Pride Industries, Inc. in El Paso County (Application No. 37305-D) related to activities in its certificated water service area.¹ The case was referred to the State Office of Administrative Hearings (SOAH) for hearing.² In November 2013, the parties resolved the underlying dispute and Fort Bliss Water Services Company (Fort Bliss) filed Applicant's Agreed Motion to Withdraw its Application for a Cease and Desist Order with SOAH. The case was dismissed from the SOAH docket on November 19, 2013 and remanded to TCEQ Executive Director for handling.³

Effective September 1, 2014, the Public Utility Commission of Texas (Commission) began the economic regulation of water and sewer utilities and this case was transferred to the Public Utility Commission of Texas (Commission). On November 12, 2014, counsel for Company filed a letter in the instant docket providing a procedural history of this case. Counsel noted that all matters in dispute have been resolved and requested dismissal of this proceeding.⁴

P.U.C. PROC. R. 22.181(b) allows the party that initiated a proceeding to withdraw the petition at any time before that party has presented its direct case. Therefore, consistent with the preceding representations, the petition of Fort Bliss Water Services Company for a cease and desist order against Pride Industries in El Paso County, is dismissed.

¹ A similar petition was filed related to activities in Company's certificated sewer service area, see *Petition of Fort Bliss Water Services Company for a Cease and Desist Order Against Pride Industries in El Paso County* (37306-D), Docket No. 42938 (pending).

² SOAH Docket No. 582-12-8090.

³ SOAH Order No. 6 (Nov. 19, 2013).

⁴ In a subsequent telephone call, counsel for Company confirmed that dismissal is also requested for the petition in Docket No. 42938.

SIGNED AT AUSTIN, TEXAS the 25th day of November 2014.

PUBLIC UTILITY COMMISSION OF TEXAS


IRENE MONTELONGO
DIRECTOR, DOCKET MANAGEMENT

Q:\CADM\Docket Management\Water\CCN\42xxx-43xxx\42937-3 dismiss.docx