

Control Number: 43344



Item Number: 23

Addendum StartPage: 0

SOAH DOCKET NO. 473-15-1594.WS
PUC DOCKET NO. 43344

PETITION OF ENCHANTED HARBOR
UTILITY FOR A CEASE AND DESIST
ORDER AGAINST ANITA KOOP IN
CALHOUN COUNTY

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2015 MAR 26 PM 3:15
BEFORE THE STATE OF
FILING CLERK OF

ADMINISTRATIVE HEARINGS

AGREED MOTION TO DISMISS

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW, Farmers Transport Inc. dba Enchanted Harbor Utility, Applicant in the above-captioned docket and files this its Agreed Motion to Dismiss, and shows the following:

I.

The parties have reached a settlement in this case. Attached is a copy of the Settlement and Compromise Agreement signed by all parties except for the PUC. The PUC has declined to sign the Settlement and is not a necessary party to it. The undersigned attorney for Enchanted Harbor Utility has conferred with the PUC attorney and the PUC attorney does not object to this Motion.

II.

In accordance with the attached Settlement and Compromise Agreement, Enchanted Harbor Utility hereby withdraws its petition herein and requests that this Docket be dismissed.

Respectfully submitted,

WILLATT & FLICKINGER

Attorneys at Law

2001 North Lamar

Austin, Texas 78705

Telephone: (512) 476-6604

Telecopier: (512) 469-9148

By: 

Bill Flickinger

State Bar No. 07149050

ATTORNEY FOR FARMERS TRANSPORT INC.
dba ENCHANTED HARBOR UTILITY

By: _____

Alex Hernandez, Attorney for
Anita Koop

By: _____


Roy E. Floyd, Individually

Respectfully submitted,

WILLATT & FLICKINGER
Attorneys at Law
2001 North Lamar
Austin, Texas 78705
Telephone: (512) 476-6604
Telecopier: (512) 469-9148

By: _____
Bill Flickinger
State Bar No. 07149050

ATTORNEY FOR FARMERS TRANSPORT INC.
dba ENCHANTED HARBOR UTILITY

By:  _____
Alex Hernandez, Attorney for
Anita Koop

By: _____
Roy E. Floyd, Individually

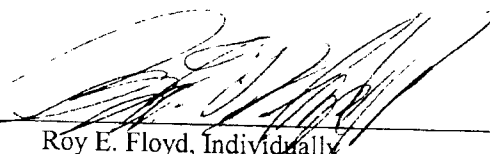
Respectfully submitted,

WILLATT & FLICKINGER
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2001 North Lamar
Austin, Texas 78705
Telephone: (512) 476-6604
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By: _____
Bill Flickinger
State Bar No. 07149050

ATTORNEY FOR FARMERS TRANSPORT INC.
dba ENCHANTED HARBOR UTILITY

By: _____
Alex Hernandez, Attorney for
Anita Koop

By:  _____
Roy E. Floyd, Individually

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Agreed Motion to Dismiss will be served on all parties of record on March 26, 2015 in accordance with P.U.C. Procedural Rule 22.74.

By: _____

Bill Flickinger
Attorney for Farmers Transport, Inc. dba
Enchanted Harbor Utility

**SOAH DOCKET NO. 473-15-1594.WS
PUC DOCKET NO. 43344**

**PETITION OF ENCHANTED HARBOR
UTILITY FOR A CEASE AND DESIST
ORDER AGAINST ANITA KOOP IN
CALHOUN COUNTY**

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**BEFORE THE STATE OF

OF**

ADMINISTRATIVE HEARINGS

SETTLEMENT AND COMPROMISE AGREEMENT

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW, Farmers Transport Inc. dba Enchanted Harbor Utility, Applicant in the above-captioned docket and files this its Settlement and Compromise Agreement, and shows the following:


I.

The parties to this Docket (except for the PUC) have reached an agreement as follows:

1. In consideration of the mutual covenants and promises herein, Enchanted Harbor Utility agrees to withdraw its petition and file an Agreed Motion to Dismiss this Docket and in exchange Anita Koop hereby agrees that she shall not connect her water system to any other properties within the Certificate of Convenience and Necessity held by Enchanted Harbor Utility. Roy E. Floyd hereby agrees to not connect to Anita Koop's water system.

2. Should any party violate this Agreement, the non-defaulting party shall be entitled to obtain an injunction in the District Court of Travis County, Texas or in any other court of competent jurisdiction to compel enforcement of this Agreement and the prevailing party shall be entitled to an award of all reasonable attorney fees and costs incurred in such action.

AGREED AND ACCEPTED BY:

By: 
Jesse Wood, Manager
for Enchanted Harbor Utility

By: _____
Anita Koop, Individually

By: _____
Roy E. Floyd, Individually

AGREED AND ACCEPTED BY:

By: _____
Jesse Wood, Manager
for Enchanted Harbor Utility

By: Anita Koop
Anita Koop, Individually

By: _____
Roy E. Floyd, Individually

AGREED AND ACCEPTED BY:

By: _____
Jesse Wood, Manager
for Enchanted Harbor Utility

By: _____
Anita Koop, Individually

By: _____
Roy E. Floyd, Individually