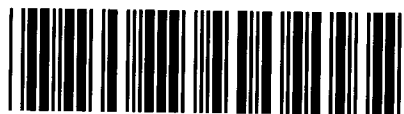




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SOAH DOCKET NO. 473-15-1149.WS
PUC DOCKET NO. 43674

PETITION OF THE CITY OF DALLAS
FOR REVIEW OF A DECISION BY
THE SABINE RIVER AUTHORITY

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BEFORE THE STATE OFFICE 10:04

OF THE STATE CLERK

ADMINISTRATIVE HEARINGS

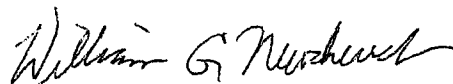
SOAH ORDER NO. 5
GRANTING MOTION TO ABATE

On January 20, 2015, the Sabine River Authority (SRA) filed a motion to abate this case because SRA and the City of Dallas (Dallas) do not agree that the disputed rate is charged pursuant to a written contract. In prior pleadings, Dallas anticipated and responded to SRA's motion to abate. Dallas concedes that abatement is required because the parties do not agree that the disputed rate is charged pursuant to contract, but Dallas contends that interim rates may and should be set before the abatement.

The applicable law concerning abatement is clear and grants the ALJ no discretion. If the seller and buyer do not agree that the protested rate is charged pursuant to a written contract, the ALJ must abate the proceedings until the contract dispute over whether the protested rate is part of the contract has been resolved by a court of proper jurisdiction.¹

The motion to abate is granted. The prehearing conference scheduled for January 22, 2015, is cancelled.

SIGNED January 21, 2015.



WILLIAM G. NEWCHURCH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

¹ 16 Tex. Admin. Code § 24.131(d).