



Control Number: 44010



Item Number: 17

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**SOAH DOCKET NO. 473-15-2123.WS  
PUC DOCKET NO. 44010**

**RECEIVED**

**2015 MAR -3 PM 1:42**

**PETITION OF THE RATEPAYERS OF  
THE RIVER PLACE WATER AND  
WASTEWATER SYSTEMS APPEALING  
THE RETAIL WATER AND  
WASTEWATER RATES OF THE  
CITY OF AUSTIN**

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§

**BEFORE THE PUBLIC UTILITY COMMISSION  
FILING CLERK  
PUBLIC UTILITY COMMISSION  
OF TEXAS**

**CITY OF AUTIN'S MOTION TO STAY DISCOVERY**

COMES NOW, the City of Austin ("City") and files this Motion to Stay Discovery for the reasons stated herein.

**I.  
GOOD CAUSE FOR STAY**

The City requests that an order be issued to stay discovery until there is a ruling on the City's pending motion to dismiss for lack of jurisdiction. On February 23, 2014, the City filed a motion to dismiss pursuant to P.U.C. Proc. R. 22.181 for lack of jurisdiction. Because there is a question of whether there is jurisdiction to consider the pending rate appeal there is good cause to grant the requested stay.

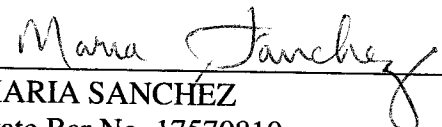
The Petitioners filed a Response to the City of Austin's Motion to Dismiss for Lack of Jurisdiction on March 2, 2014. The City will be filing a Reply to Petitioner's Response to City's Motion to Dismiss for Lack of Jurisdiction per the Public Utility Commission's rules. The City anticipates that a ruling on the City's Motion in the near future. Should a court determine jurisdiction in favor of the Petitioners, the Parties can submit a Proposed Procedural Schedule. The stay is not requested for the purpose of delay, but in the interest of justice and judicial economy.

**II.**  
**PRAYER**

The City respectfully requests that the City's Motion to Stay Discovery be granted pending a ruling on the City's Motion to Dismiss for Lack of Jurisdiction.

RESPECTFULLY SUBMITTED,

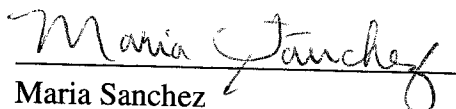
ANNE MORGAN, ACTING CITY ATTORNEY  
MEGHAN L. RILEY, CHIEF, LITIGATION DIVISION

  
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ATTORNEYS FOR CITY OF AUSTIN

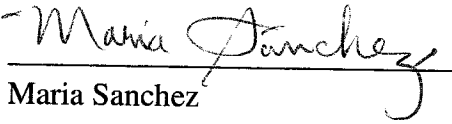
**CERTIFICATE OF CONFERENCE**

I certify that counsel for the City of Austin conferred with counsel for Public Utility Commission of Texas on February 27, 2015 about this motion and she indicated that she could not agree to the motion. I certify that counsel for the City of Austin conferred with counsel for Petitioners on March 2, 2015 about this motion and he indicated that he could not agree to the motion.

  
\_\_\_\_\_  
Maria Sanchez

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on all parties of record in this proceeding on this the 3<sup>rd</sup> day of March 2015, by first class, U.S. Mail, postage prepaid.

  
Maria Sanchez