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

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BEFORE THE  
PUBLIC UTILITY COMMISSION  
FILING CLERK

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

STATE OFFICE OF  
ADMINISTRATIVE HEARINGS

PETITIONERS' MOTION TO WITHDRAW

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

COME NOW, the Ratepayers of the River Place Water and Wastewater Systems ("Ratepayers" or "Petitioners") and file this Motion to Withdraw, and in support thereof, would respectfully show the following:

**I. INTRODUCTION AND BACKGROUND**

1. On December 22, 2014, Petitioners filed their Petition challenging both the City of Austin's ("City") October 1, 2014 and November 1, 2014 rate increases of its water and wastewater services pursuant to TEX. WATER CODE § 13.043(b).<sup>1</sup>
2. On January 27, 2015, Public Utility Commission of Texas ("PUC") Staff referred the above-docketed case to the State Office of Administrative Hearings ("SOAH") to hear the appeal.
3. Order No. 7, issued May 26, 2015, formally adopted the parties' agreed procedural schedule, setting a hearing date in February 2016.
4. On July 28, 2015, the City filed a Motion for Abatement, requesting an abatement of the procedural schedule deadlines so that the City and Petitioners could finalize a settlement agreement.

<sup>1</sup> See Original Petition Appealing Retail Water and Wastewater Rates of the City of Austin and Motion for Interim Rates, December 22, 2014.

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5. Order No. 8, issued on July 29, 2015, granted the City's Motion to Abate and abated all procedural deadlines.
6. On August 27, 2015, the City filed its Status Report informing the Administrative Law Judges that the City and Petitioners had in fact reached agreement on all disputed issues and requested that the ALJS convene a prehearing conference to discuss scheduling dates only if necessary.

## **II. PETITIONERS WITHDRAWAL**

Petitioners, all customers of the former River Place Water and Wastewater Systems, included the approximately 359 signatories to the Original Petition appealing the retail water and wastewater rates of the City.<sup>2</sup> The City assumed responsibility for the River Place Water and Wastewater Systems when it partially annexed the River Place Municipal Utility District ("MUD") in 2009 according to the terms of the Strategic Partnership Agreement between the City of Austin and the River Place MUD.<sup>3</sup> By virtue of their property ownership, the Petitioners are also members of the River Place Residential Community Association (the "River Place HOA").

The City and the Petitioners, by and through the River Place HOA, have reached an agreement resolving all outstanding issues of fact and law at issue in this contested rate case hearing. Accordingly, pursuant to 16 TEX. ADMIN. CODE §22.181(b) and consistent with the parties' Settlement Agreement, Petitioners, including the River Place HOA, seek to withdraw their December 22, 2014 Petition *with* prejudice. The ALJs no longer need to convene any prehearing conference.

## **III. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Petitioners respectfully request that that the ALJs grant their Motion to Withdraw and issue an order dismissing this appeal with prejudice.

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<sup>2</sup> See Order No. 6.

<sup>3</sup> *Id.*

Respectfully submitted,

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By: 

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**ATTORNEYS FOR PETITIONERS**

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, and/or Certified Mail Return Receipt Requested on all parties on the 8<sup>th</sup> day of October 2015.

By: 

Randall B. Wilburn