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SOAH DOCKET NO. 473-15-2671.WS  
P. U. C. DOCKET NO. 44463

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PUBLIC UTILITY COMMISSION  
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PETITION OF BLUEBERRY HILLS § BEFORE THE STATE OFFICE  
WATER WORKS, LLC APPEALING §  
A DECISION BY THE CITY OF § OF  
BEEVILLE TO CHANGE WHOLESALE §  
WATER RATES § ADMINISTRATIVE HEARINGS

**CITY OF BEEVILLE'S PLEA TO THE COMMISSION'S AUTHORITY TO SET  
INTERIM RATES PRIOR TO A HEARING ON THE PUBLIC INTEREST**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

NOW COMES, the City of Beeville ("Beeville"), the respondent in the above styled and docketed matter, and files this Plea to the Commission's Authority to Set Interim Rates Prior to a Hearing on the Public Interest.

**I. APPLICABLE LAW**

Beeville previously filed a motion to abate this wholesale rate case filed under Texas Water Code, section 13.043(f), pursuant to P.U.C. Subst. R. 124.131(d) on the grounds that Beeville and the petitioner do not agree on whether or not the protested rate is charged pursuant to a written contract. Unless and until this issue is resolved by the courts and, if the rate is set pursuant to contract, the Commission does not have jurisdiction to set interim rates prior to making a public interest finding pursuant to P.U.C. SUBST. R. 24.133.<sup>1</sup>

**II. CONCLUSION AND PRAYER**

WHEREFORE, PREMISES CONSIDERED, Beeville respectfully requests the Administrative Law Judge find that the Commission lacks jurisdiction to set interim rates unless and until the courts resolve the issue of whether the challenged rates are set pursuant to contract

<sup>1</sup> Beeville is aware of the Commission's decision on March 26, 2015 in SOAH Docket No. NO. 473-15-1149WS, PUC Docket No. 43674, Petition of City of Dallas for Review of a Decision by the Sabine River Authority to Set Water Rates.

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and, if so, a hearing on the public interest is conducted culminating in a decision that the challenged rates must be modified in the public interest.

Respectfully submitted,

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**ATTORNEYS FOR CITY OF BEEVILLE,  
TEXAS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been delivered by Certified Mail, facsimile or electronic mail to the following persons on this 13<sup>th</sup> day of April, 2015:

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