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DOCKET NO. 45720
SOAH DOCKET NO. 473-16-3831.WS

APPLICATION OF RIO CONCHO §
AVIATION, INC. FOR A §
RATE/TARIFF CHANGE §

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

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PUBLIC UTILITY COMMISSION
CLERK

RIO CONCHO AVIATION, INC.'S
MOTION TO WITHDRAW APPLICATION

COMES NOW, Rio Concho Aviation, Inc. ("Rio Concho") and files this Motion to Withdraw Application, and in support, Rio Concho would respectfully show the following:

Rio Concho requests this withdrawal pursuant to Commission Procedural Rule, Section 22.181(g)(3). Good cause exists pursuant to the attached affidavit of Barbie Brunson, owner/operator of Rio Concho, Exhibit "A".

Rio Concho prays that this Motion to Withdraw Application be granted for the reasons stated in the attached affidavit.

Respectfully submitted,

By: _____

John J. Carlton

John J. Carlton
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ATTORNEY FOR RIO CONCHO
AVIATION, INC.

CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve 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 to all parties on this the 13th day of April, 2017.

John Carlton

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**AFFIDAVIT OF BARBIE BRUNSON
IN SUPPORT OF
MOTION TO WITHDRAW APPLICATION**

I, Barbie Brunson, declare:

I am the owner and operator of Rio Concho Aviation, Inc. ("RCA"), and I am requesting that our application in this matter be withdrawn for the following reasons:

- The Commission Staff's recommendations and the Proposal for Decision issued by the Administrative Law Judges will effectively run our water utility out of business.
- It is my opinion that past indications show that most small water utilities faced with this situation, usually end up selling to large publicly traded water corporations that are located usually out of state.
- The Proposal for Decision issued by the Administrative Law Judges will decrease RCA's current monthly water income over \$1600, or nearly \$ 20,000 per year. The previous settlement with PUC attorney Jessica Morgan, staff and Steve Grace already lowered RCA's monthly income by \$1000. We were instructed to come back and file again in January 2016.
- RCA already has had to pull the well pump and motor this week at an original cost of \$4304, that it does not have, but to due unforeseen deterioration of the galvanized pipe of thirty years, all eighteen and a half sticks of pipe had to be replaced also. This will be an additional cost to the water utility from the previous quote that we have not yet received, plus an additional day of labor involved to replace it.

- The recommendation in the Proposal for Decision to exclude the cell phone use to conduct RCA business is ridiculous. The method of communication and the phone numbers given are cellular and no other land line charges were requested. Only one cell phone was included in the rate case application, Barbie's, although both Kevin and Barbie's cell phone numbers are posted at the well and at the well house operations. The water office does not have a land line nor does the corporate office at West Hill Drive
- RCA acquired and remodeled office space in 2014 and spent approximately \$14,000 to adhere to the PUC rule which cannot be recaptured or capitalized because RCA does not own the property. The property owner would have rather not given up hangar space especially if they knew the water utility would not be able to utilize this. I do not understand why the PUC can require an office and not allow it as an expense. If RCA is forced to sell the utility to a large water corporation, I believe it will be no different than the Texas Toll road fiasco, whereby private land was taken by eminent domain and turned over to for-profit foreign owned entities for private toll roads. I believe that situation is no different than the water industry...the result is, in fact, giving away Texas water and the ability for Texans to control their own assets.
- The Commission Staff's recommendations and the Proposal for Decision issued by the Administrative Law Judges will jeopardize RCA's ability to provide safe quality drinking water to our customers for lack of funds. The ALJ's proposal would prohibit RCA from conducting adequate water utility operations and service to our customers.
- As a citizen of Texas having intimate knowledge of the workings of a small water system, it appears the Commission rules do not address the small water utility operations. Ultimately in the short term, as long as the small water utility is able to subsidize the cost of the system, this appears to be the only way they will remain in business. I say this because an extra ordinary

expense requires a rate case to recoup the loss and we have learned how that works. Without the Commission addressing the unique needs of the small water utility, small systems will ultimately be inadequately operated, put into receivership and/or sold to large water corporations. I don't see how this benefits small business in Texas, nor prove to be beneficial to our water customers who will ultimately end up paying a much higher water bill from the larger corporate water utility if sold. It appears the Commission rules are designed to benefit large water utilities.

- We request approval to withdraw our application to save our business and prevent further financial loss.

I declare under penalty of perjury under the laws of the State of Texas that the foregoing is true and correct.

Executed this 13 day of April, 2017, in Hudson Oaks, Texas.

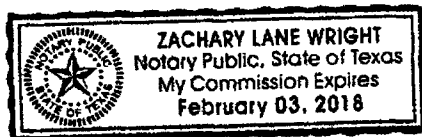

Barbie Brunson

THE STATE OF TEXAS §

COUNTY OF Parker §

SUBSCRIBED AND SWORN TO BEFORE ME, this the 13 day of April, 2017, to certify which witness my hand and seal of office.

(Seal)





Notary Public Signature