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DOCKET NO. 46043

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COMPLAINT AND PETITION FOR §
ENFORCEMENT OF FINAL ORDER §
REGARDING CITY OF AUSTIN §
WHOLESALE RATES §

PUBLIC UTILITY COMMISSION
2016 SEP 4 21
PUBLIC UTILITY COMMISSION
OF TEXAS
CLERK

**ORDER NO. 1
DISMISSING COMPLAINT**

On June 7, 2016, North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control and Improvement District No. 10, and Wells Branch Municipal Utility District (collectively, Complainants) filed, pursuant to Tex. Water Code Ann. §§ 13.411 and 13.044 (West 2008 and Supp. 2015) (TWC) and 16 Tex. Admin. Code §§ 22.242 and 24.45, a complaint against the City of Austin's increase in wholesale wastewater rates. Complainants allege that the City of Austin's rates are inconsistent with the Commission's Order on Rehearing in Docket No. 42857.¹ Complainants requested that the Commission refer this matter to the Texas Attorney General for enforcement under TWC § 13.411, order the City of Austin to charge rates in accordance with the Order On Rehearing in Docket No. 42857, order the City of Austin to cease charging the Inflow & Infiltration Adjustment, and grant such other and further relief as the Complainants may show themselves entitled.

On June 24, 2016, the City of Austin filed an answer, contending that Complainants' filing was premature because the same concerns were expressed in Docket No. 45240,² which was established for the purpose of providing proof of the City of Austin's refunds related to Docket No. 42857, and moved for dismissal.

On August 5, 2016, in Docket No. 45240, the Commission's administrative law judge (ALJ) approved refunds related to Docket No. 42857. In that proceeding, the ALJ approved the

¹ *Petition of North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control and Improvement District No. 10 and Wells Branch Municipal Utility District from the Ratemaking Actions of the City of Austin and Request for Interim Rates in Williamson And Travis Counties and Petition of North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, and Wells Branch Municipal Utility District from the Ratemaking Actions of the City of Austin and Request for Interim Rates in Williamson and Travis Counties*, Docket No. 42857, Order on Rehearing (Jan. 14, 2016).

² *The City of Austin's Proof of Refunds in Compliance with Docket No. 42857*, Docket No. 45240, Order No. 7, Approving Refunds (Aug. 5, 2016).

monthly water and sewer refund amounts to be paid by the City of Austin to each Complainant. No parties appealed the ALJ's order in Docket No. 45240.

As noted in the City of Austin answer, the same concerns in this complaint docket were expressed in the refunds proceeding. Since no challenge was made to the refunds order, and no new filings have been made in this complaint docket, the ALJ concludes the issues raised here are moot. Accordingly, this proceeding is dismissed pursuant to 16 TAC § 22.181(a)(1)(B).

SIGNED AT AUSTIN, TEXAS the 2nd day of September 2016.

PUBLIC UTILITY COMMISSION OF TEXAS


IRENE MONTELONGO
DIRECTOR, DOCKET MANAGEMENT