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SOAH DOCKET NO. 473-16-16-5823.WS
PUC DOCKET NO. 46120

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CITY OF MIDLOTHIAN NOTICE OF
INTENT TO PROVIDE WATER
SERVICE TO LAND DECERTIFIED
FROM MOUNTAIN PEAK SPECIAL
UTILITY DISTRICT

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BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S
MOTION TO WITHDRAW AS A PARTY**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

NOW COMES, Mountain Peak Special Utility District (“Mountain Peak”) and files this Motion to Withdraw as a Party. In support hereof, Mountain Peak would respectfully show as follows:

BASIS FOR WITHDRAWAL

This docket was initiated in July 2016 by the City of Midlothian (“Midlothian”) at a time when there was limited information on the policies by which the Public Utility Commission of Texas (“PUC”) would determine compensation to a former CCN holder pursuant to Water Code Section 13.254(d) and (g), or the hearing procedures which would apply to such matters. Uncertainty over the policies ultimately led to an abatement of this docket.

Since the initiation of this docket, the PUC has i) instituted varying procedural approaches to hearings in such cases, ii) adopted new rules governing the compensation methodology and process, and iii) decided important cases on compensation, including the City of Celina¹ and City of Lampasas² cases.

Based upon the recent policies established by the PUC in these compensation cases, Mountain Peak sees no benefit in expending further resources to pursue compensation in the instant docket.

¹ *The City of Celina’s Notice of Intent to Provide Water and Sewer Service to area decertified from Aqua Texas, Inc. in Denton County*, Docket No. 45848, Order (April 13, 2017).

² *City of Lampasas’s Notice of Intent to Provide Water Service to area decertified from Kempner Water Supply Corporation in Lampasas County*, Docket No. 46140, Order (August 10, 2017).

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Therefore, Mountain Peak hereby provides notice that it is withdrawing as a party in this docket, and respectfully requests an order confirming that withdrawal.

By withdrawing from this docket, Mountain Peak in no way waives any of its rights under 7 U.S.C. §1926(b). Nor, does Mountain Peak in any way prejudice its pending appeal of the PUC's Order in Docket No. 44394, wherein Mountain Peak is challenging the PUC's order which granted Midlothian's petition to decertify Mountain Peak's water CCN No. 10908.

CERTIFICATE OF CONFERENCE

The undersigned has consulted with Ms. Erika Garcia, attorney for the Staff of the Public Utility Commission of Texas, via email correspondence and telephone regarding this Motion, and Ms. Garcia stated that her client had not yet decided whether to take a position on the Motion. The undersigned also consulted with Mr. Paul Gonzalez, attorney for City of Midlothian, Texas, via email correspondence and Mr. Gonzalez took no position on the Motion.

PRAYER

Mountain Peak respectfully requests that the Administrative Law Judge grant its Motion to Withdraw, and for such other relief to which Mountain Peak may be entitled.

Respectfully submitted,

JACKSON WALKER L.L.P.

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ATTORNEYS FOR MOUNTAIN PEAK
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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of August 2017, a true and correct copy of the foregoing document was served on the individuals listed below by email.

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