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SOAH DOCKET NO. 473-17-2560.WS  
PUC DOCKET NO. 46336

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APPLICATION OF THE CITY OF  
TOMBALL TO OBTAIN WATER  
AND SEWER CERTIFICATES OF  
CONVENIENCE AND NECESSITY  
IN HARRIS AND MONTGOMERY  
COUNTIES, TEXAS

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BEFORE THE  
PUBLIC UTILITY COMMISSION  
FILING CLERK

STATE OFFICE OF  
ADMINISTRATIVE HEARINGS

**JOINT MOTION FOR REMAND**

COMES NOW Applicant City of Tomball ("City"), Protestants Quadvest, L.P. ("Quadvest") and Undine Texas, LLC ("Undine"), and the Staff of the Public Utility Commission of Texas ("Commission"), (collectively the "Parties"), in the above-entitled contested case and file this, their Joint Motion for Remand.

**I. INTRODUCTION AND BACKGROUND**

1. On September 1, 2016, the City filed an application with the Commission for water and sewer certificates of convenience and necessity ("CCN").
2. On January 6, 2017, Quadvest and Undine each filed Motions to Intervene and requested public hearings contesting the issuance of the City's CCN, which intervention was granted by the Commission Administrative Law Judge ("ALJ") on January 17, 2017.
3. On February 6, 2017, the Commission referred this docket to the State Office of Administrative Hearings ("SOAH"), requesting the assignment of an ALJ to conduct a hearing and issue a proposal for decision, if necessary.
4. On February 15, 2017, SOAH issued Order No. 1 establishing jurisdiction and providing notice of a prehearing conference.
5. On March 2, 2017, the Commission issued a Draft Preliminary Order setting forth a list of issues to be considered at hearing.

6. After a prehearing teleconference was held on March 13, 2017, SOAH issued Order No. 2 setting forth the procedural schedule.
7. Following an agreement among the parties to extend the filing deadline, the City prefiled its Direct Testimony on May 12, 2017.
8. Pursuant to similar agreements to extend the Protestants' deadline to file objections to the City's prefiled testimony, the parties entered into settlement negotiations.
9. After reaching a settlement agreement, Protestants filed a joint letter withdrawing their protests on May 26, 2017.

## **II. PROTESTANTS' WITHDRAWAL**

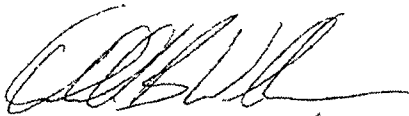
The City and Protestants have reached an agreement resolving all outstanding issues of fact and law at issue in this contested case hearing. In accordance with 16 Tex. Admin. Code §22.181(b), upon the Protestants' withdrawal of their protests, the matter is now uncontested, the case should be dismissed, and the City's CCN Application should be remanded for consideration on the uncontested docket of the PUC.

## **III. PRAYER**

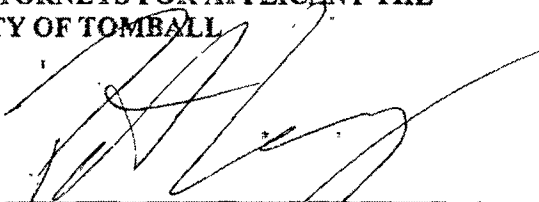
WHEREFORE, PREMISES CONSIDERED, the Parties respectfully and jointly request that the ALJ grant this Joint Motion to Remand the City's Application and issue an order dismissing this case.

Respectfully submitted,

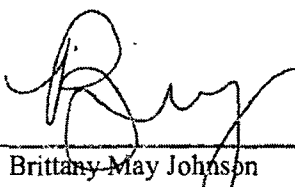
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**ATTORNEYS FOR APPLICANT THE  
CITY OF TOMBALL**

By:   
Peter T. Gregg

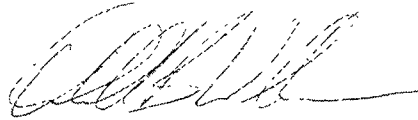
**ATTORNEY FOR PROTESTANTS  
QUADVEST, L.P. AND UNDINE  
TEXAS, LLC**

By:   
Brittany May Johnson

**ATTORNEY FOR PUC**

**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 1st day of June 2017.

A handwritten signature in black ink, appearing to read 'R. Wilburn', written over a horizontal line.

By: \_\_\_\_\_

Randall B. Wilburn