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PETITION OF THE CITIES OF	§	
GARLAND, MESQUITE, PLANO AND	§	BEFORE THE STATE OFFICE
RICHARDSON APPEALING THE	§	FILED
DECISION BY NORTH TEXAS	§	CLERK
MUNICIPAL WATER DISTRICT	§	OF
AFFECTING WHOLESALE WATER	§	ADMINISTRATIVE HEARINGS
RATES	§	

**UNOPPOSED MOTION FOR ABATEMENT OF PROCEDURAL SCHEDULE
AND REQUEST FOR EXPEDITED RULING**

The North Texas Municipal Water District ("District") files this unopposed motion to immediately abate the current procedural schedule and request for an expedited ruling.

On February 5, 2018, the District filed its direct testimony in this proceeding as required by the procedural schedule, including the direct testimony of Judd Sanderson, Deputy Director of Finance and Personnel for the District. In addition to his direct testimony, as the Deputy Director of Finance and Personnel, Mr. Sanderson participated in responding to discovery and sponsored the majority of the District's responses to discovery propounded by the parties in this proceeding. Furthermore, Mr. Sanderson, was an employee of the District for nearly eighteen years. On March 2, 2018, Mr. Sanderson suddenly and unexpectedly passed away.

Upon learning that news, the Petitioning Cities acted immediately to withdraw pending deposition notices for District witnesses Tom Kula and Chris Ekrut, and the District is appreciative of the Petitioning Cities' quick actions in that regard. No party is opposed to consideration of a revised procedural schedule, and the District is hopeful that all parties can reach an agreement regarding a comprehensive revision to the existing procedural schedule. It is the District's position that an abatement of eight to twelve weeks is reasonable. Revising existing procedural schedule deadlines will allow the District adequate time to transition Mr. Sanderson's job responsibilities to a new employee without also immediately taking on the additional responsibilities this case

presents. Under the circumstances and given the suddenness of events, however, the parties have not had an opportunity to fully explore the duration of the abatement and a proposed revised procedural schedule.

Accordingly, the District requests an immediate abatement of all pending deadlines in the case, including suspension of all discovery activity until a new procedural schedule is adopted. These deadlines include the filing of direct case testimony and evidence by Staff of the Public Utility Commission of Texas on March 13, 2018, and the deadline of March 23, 2018, to propound discovery on any party's direct case.¹

The District requests that the parties be permitted to file an agreed revised procedural schedule no later than March 16, 2018. In the absence of an agreement, all parties could separately file revised proposed procedural schedules by March 16, 2018. To facilitate discussion of a revised schedule among the parties, the District respectfully requests that the Administrative Law Judges indicate in their ruling on this motion what dates in June, July and August 2018 they are available for a five-day hearing, or, in the alternative, direct the parties to confer with the judges' assistants to determine those available dates.

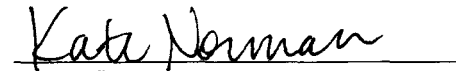
The District respectfully requests that the ALJs issue an expedited ruling granting the request for an immediate abatement of all case deadlines in the current procedural schedule, including suspension of all discovery activities, which includes all pending depositions, until a new procedural schedule is adopted. The District further requests that the ALJs grant the request to direct parties to file a revised proposed procedural schedule no later than March 16, 2018, and grant the District any other relief to which it may be entitled.

¹ The Petitioning Cities have agreed to withdraw the pending deposition notices of District witness Jack Stowe for March 22, 2018, and City of McKinney witness Michael Nieswiadomy for March 23, 2018.

Respectfully submitted,

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**ATTORNEYS FOR NORTH TEXAS
MUNICIPAL WATER DISTRICT**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copy of the foregoing document has been served on all parties of record March 9, 2018 in accordance with 16 Tex. Admin. Code § 22.74.



Kate Norman