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APPLICATION OF VINEYARD RIDGE, § BEFORE THE
LLC TO OBTAIN A WATER § STATE OFFICE
CERTIFICATE OF CONVENIENCE AND § OF
NECESSITY IN GILLESPIE COUNTY § ADMINISTRATIVE HEARINGS

**UNOPPOSED JOINT NOTICE OF SETTLEMENT, MOTION
TO WITHDRAW INTERVENTION, AND MOTION TO CONTINUE THE
HEARING AND AMEND THE SCHEDULE OF PROCEEDINGS**

TO THE ADMINISTRATIVE LAW JUDGE:

COME NOW Protestant, John McRae and the Applicant, Vineyard Ridge LLC, and file this Unopposed Joint Notice of Settlement and Withdrawal of Intervention, and Motion to Continue the February 14th Hearing and Amend the Schedule of Proceedings and, in support thereof, would show the ALJ as follows:

I.

Notice of Settlement and Motion to Withdraw as a Party/Intervenor & Hearing Request

1. This hearing before the State Office of Administrative Hearings was granted pursuant to the Intervention and Request for a contested case hearing filed by Mr. John McRae.
2. Mr. McRae has entered into a Settlement Agreement with the Applicant, Vineyard Ridge LLC, which has resolved and addressed all of Mr. McRae's issues and concerns related to the issuance of the CCN Application. Accordingly, as the issues previously identified have been rendered moot by the settlement, Mr. McRae withdraws both his requests for (i) Intervenor Status and (ii) a contested case before SOAH.
3. Mr. McRae, joined by the Applicant, Vineyard Ridge LLC, requests the ALJ grant Mr. McRae's request to withdraw as an Intervenor and dismiss him as a party, and to withdraw his request for a contested case hearing in this Docket.

II.
Motion to Continue the Proceedings

Upon withdrawal of Mr. McRae as a Party to this proceeding the sole remaining Parties are the Applicant and PUC Staff. In an effort to maximize the efficiency of the time and resources of the Applicant and PUC Staff, and the ALJ, Applicant respectfully requests that the ALJ (i) continue the hearing on the merits currently set for February 14-15, 2018, and (ii) amend the schedule of the proceedings to require that during the continuance the Applicant work with the PUC Staff to finalize outstanding issues with the Application, and bring back to the ALJ evidence of accomplishment of the following:

1. On or before March 16, 2018, the Applicant and PUC Staff shall file with the ALJ proposed Final Recommendations with regard to the determination of the granting and issuance of the requested Certificate of Convenience and Necessity; and
2. On or before March 23, 2018, the Applicant and PUC Staff shall file with the ALJ proposed Findings of Fact, Conclusions of Law and applicable Ordering Provision for a final Order by the ALJ with a recommendation in the form of a Proposal for Decision on the remand of the Application to the PUC for processing and action on the same as an uncontested matter; and
3. Applicant will provide a status report to ALJ on or before March 16, 2018.

III.
Certificate of Conference

Pursuant to SOAH Rule No. 155.305(b)(2) (1 TAC), the undersigned certify that Counsel for Mr. McRae and the Applicant have conferred with counsel for the PUC, Mr. T.J. Harris, with respect to the settlement and the above Motions. Mr. Harris has indicated his support for the settlement and all of said Motions and requested relief.

IV.
Conclusion and Prayer

WHEREFORE, PREMISES CONSIDERED, the undersigned Movants, John McRae in his capacity as Protestant, and Vineyard Ridge, LLC as Applicant, pray the Administrative Law Judge grant the following relief:

1. Accept the Parties' Joint Notice of Settlement and, thereafter, grant Mr. McRae's request to withdraw as a Party Intervenor in these proceedings, together with the withdrawal of his request for contested case hearing and remove his name from the Service List and dismiss him as a Party to these proceedings; and
2. Grant Applicant's motion to continue the Hearing on the Merits currently set for February 14-15, 2018, and modify the current procedural schedule to direct the Applicant and PUC Staff to file a final recommendation on or before March 16, 2018, proposed Final Recommendations, and thereafter, that the Applicant and PUC Staff file proposed Findings of Fact, Conclusions of Law, and Ordering Paragraphs with the ALJ on or before March 23, 2018; and
3. Grant the Parties such further and other relief to which they might show themselves entitled.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Edmond R. McCarthy, Jr., attorney for the Applicant, Vineyard Ridge LLC, certify that a copy of this document was filed with the Public Utility Commission on February 9th, 2018, and served the same day on Counsel for the Parties as identified on the service list below in accordance with 16 TAC § 22.74.

/s/ Edmond R. McCarthy, Jr.
Edmond R. McCarthy, Jr.

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