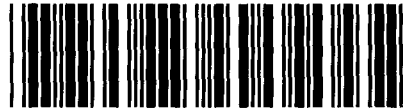


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**RATEPAYERS' APPEAL OF THE
DECISION BY THE CITY OF
MALAKOFF TO CHANGE RATES**

§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

COMMISSION STAFF'S REQUEST FOR A RULING

COMES NOW the Staff ("Staff") of the Public Utility Commission of Texas ("Commission"), representing the public interest, and files this request for a ruling.

I. Background

On March 16, 2017, ratepayers in the City of Star Harbor (Ratepayers) filed a petition appealing the decision of the City of Malakoff (Malakoff) to increase wastewater rates effective January 1, 2017.

On April 17, 2017, Malakoff filed a Response to the Petition and Motion to Dismiss. On May 12, 2017, Malakoff filed a supplement to its Motion to Dismiss, re-urging the dismissal of the case. On June 8, 2017, Staff filed a response to Malakoff's Motion to Dismiss, in which Staff concurred with dismissing the petition. On June 13, 2017, the Administrative Law Judge (ALJ), issued Order No. 5, which found the petition insufficient for filing, and requested that the Ratepayers amend its petition to cure the noted deficiencies and file a response to Malakoff's Motion to Dismiss. To date, the Ratepayers have not cured the noted deficiencies nor have they filed a response to Malakoff's Motion to Dismiss.

On August 18, 2017, Malakoff filed a second supplement to its Motion to Dismiss, re-urging the dismissal of the case. On September 21, 2017, Staff filed a request for a ruling on Malakoff's pending Motion to Dismiss.

II. Motion to Dismiss

Staff respectfully requests that the ALJ grant Malakoff's pending Motion to Dismiss. The Ratepayers have no standing in this case to file an appeal. Under Texas Water Code (TWC) § 13.043(b) (West 2016), only ratepayers of a utility have standing to appeal the utility's rates. The Ratepayers are not customers of Malakoff directly; they are ratepayers of the City of Star Harbor,

and the City of Star Harbor (Star Harbor) pays the rates directly to the Malakoff. Any relief to which the Ratepayers are entitled would be available from Star Harbor, not Malakoff.

III. Conclusion

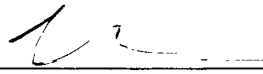
Staff respectfully re-urges its request for a ruling on Malakoff's pending Motion to Dismiss.

Date: December 28, 2017

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division


Karen S. Hubbard
Managing Attorney
Legal Division



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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 27, 2017 in accordance with 16 TAC § 22.74.



Landon J. Lill