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**RATEPAYERS' APPEAL OF THE
DECISION BY BEAR CREEK
SPECIAL UTILITY DISTRICT TO
CHANGE RATES**

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PUBLIC UTILITY COMMISSION

OF TEXAS

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**COMMISSION STAFF'S REQUEST FOR RULING ON PENDING MOTION TO
DISMISS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Request for Ruling on Pending Motion to Dismiss. In support thereof, Staff shows the following:

I. BACKGROUND

On March 27, 2017, ratepayers (Ratepayers) of the Bear Creek Special Utility District f/k/a Lavon Special Utility District (Bear Creek) filed a petition appealing the decisions of the board of directors of the Bear Creek SUD to increase water rates.

On April 24, 2017, Staff timely filed its Recommendation on Sufficiency and recommended that the petition is insufficient and cannot be cured. On May 5, 2017, Staff filed a Motion to Dismiss, recommending that the petition be dismissed for a lack of jurisdiction.

II. MOTION TO DISMISS

Staff respectfully requests that its pending motion to dismiss be granted. Staff reiterates that the petition should be dismissed with prejudice pursuant to 16 TAC § 22.181(d)(8) for a lack of jurisdiction because the Ratepayers have not timely filed their appeal. Under TWC § 13.043(c), ratepayers must initiate their appeal "within 90 days after the effective day of the rate change." In this case, the Ratepayers filed their appeal with the Commission on March 27, 2017, which was after the statutory 90-day deadline.

III. CONCLUSION

For the reasons stated above, Staff respectfully requests that the ALJ dismiss this appeal with prejudice for lack of jurisdiction.

(b)

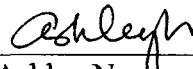
DATED: September 21, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

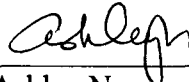


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 21st of September, 2017 in accordance with. 16 TAC § 22.74.



Ashley Nwonuma