



Control Number: 47647



Item Number: 104

Addendum StartPage: 0

**SOAH DOCKET NO. 473-20-1655.WS
PUC DOCKET NO. 47647**



**APPLICATION OF RINCON WATER
SUPPLY CORPORATION TO AMEND
A WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY
IN SAN PATRICIO AND ARANSAS
COUNTIES**

§
§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

CITY OF PORTLAND’S MOTION TO WITHDRAW REQUEST FOR HEARING

NOW COMES the CITY OF PORTLAND, TEXAS (“Portland”), an intervenor and named party in the above-cited matter, and files this Motion to Withdraw Request for Hearing (“Motion to Withdraw”).

I. BACKGROUND

1. Rincon Water Supply Corporation (“Rincon”) is a Class B investor-owned utility. On September 26, 2017, Rincon filed with the Public Utility Commission of Texas (“Commission”) an Application to Obtain or Amend a Water or Sewer Certificate of Convenience and Necessity (“Application”) to amend Certificate of Convenience and Necessity (“CCN”) No. 114400, in San Patricio and Aransas Counties.

2. On December 12, 2017, the City of Taft requested a hearing on the Application. On February 26, 2018, the Commission referred this case to the State Office of Administrative Hearings (“SOAH”).

3. On June 3, 2019, the SOAH Administrative Law Judge (“ALJ”) entered Order No. 7, remanding this case back to the Commission.

4. On September 6, 2019, Portland filed a Motion to Intervene in this case. On September 19, 2019, the Commission ALJ issued Order No. 9, finding that Portland presented a justiciable interest in this case and granting Portland’s Motion to Intervene.

5. On December 17, 2019, the Commission filed an Order of Referral, referring this case back to SOAH, and, *inter alia*, authorizing Commission Staff and any other interested party to file a list of issues to be addressed in the SOAH docket.

6. On February 5, 2020, the SOAH ALJ entered Order No. 2, Memorializing Prehearing Conference; Adopting Procedural Schedule; Notice of Hearing.

7. Subsequently, Portland and Rincon entered into good faith negotiations to resolve all matters at issue between Portland and Rincon.

8. This pleading services as notice to PUC Staff, the SOAH ALJ, and the Commission that, on August 20, 2020, Portland and Rincon reached terms of settlement, and each of their governing bodies considered, approved, and provided for the execution of a Settlement Agreement, therein disposing of all matters at issue between the two parties.

9. For the above-stated reasons and pursuant to Portland's commitment under the Settlement Agreement, Portland respectfully withdraws its request for a hearing in this matter. Portland further requests that the SOAH ALJ remand this matter back to the Commission for final disposition and such other actions as the Commission deems appropriate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Zachariah T. Evans', written over a horizontal line.

Zachariah T. Evans
State Bar No. 24082973
Phil Haag
State Bar No. 08657800

MCGINNIS LOCHRIDGE, LLP
600 Congress Ave., Ste. 2100
Austin, Texas 78701
Phone: (512) 495-6180
Fax: (512) 505-6380
zevans@mcginnislaw.com
phaag@mcginnislaw.com

ATTORNEYS FOR THE CITY OF PORTLAND

CERTIFICATE OF SERVICE

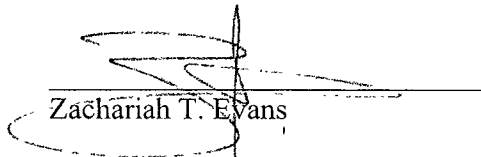
I hereby certify that a true and complete copy of the above and foregoing document was served on all parties of record in this proceeding as required by order or in accordance with 16 TEX. ADMIN. CODE § 22.74.

Rashmin J. Asher, Esq.
Public Utility Commission of Texas
Legal Division
1701 N. Congress Ave.
P.O. Box 13326
Austin, TX 78711
rashmin.asher@puc.texas.gov

Stephen C. Dickman
6005 Upvalley Run
Austin, TX 78731
Fax No. (512) 454-8495
sdickmanlaw@att.net

Adolfo Ruiz, Esq.
Denton Navarro Rocha Bernal & Zech
2517 N. Main Ave.
San Antonio, TX 78212
Fax No. (210) 225-4481
adolfo.ruiz@rampage-sa.com

Seaboard Water Supply Corporation
ATTN: General Manager
P.O. Box 328
Odem, TX 78370


Zachariah T. Evans