



Control Number: 47662



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**SOAH DOCKET NO. 473-18-0847.WS  
PUC DOCKET NO. 47662**

2018 MAY 18 AM 11:37

**PETITION OF TEXAS  
PARKS & WILDLIFE  
DEPARTMENT TO  
APPEAL A DECISION  
BY THE CITY OF  
GOLIAD TO CHANGE  
WATER AND SEWER  
RATES**

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**STATE OFFICE OF  
ADMINISTRATIVE  
HEARINGS**

**PUBLIC UTILITY  
COMMISSION OF  
TEXAS**

**TEXAS PARKS AND WILDLIFE DEPARTMENT'S AND THE CITY OF GOLIAD'S  
AGREED MOTION TO AMEND DISMISSAL ORDER**

COMES NOW, the Texas Parks and Wildlife Department (TPWD) and the City of Goliad (City), and file this Agreed Motion to Amend SOAH Order No. 6, Dismissing the Case filed by the Texas Parks and Wildlife Department to Review Water and Wastewater Rates charged to outside customers by the City of Goliad, and in support thereof respectfully would show as follows:

**I. INTRODUCTION**

On September 29, 2017, TPWD filed a petition for review pursuant to Texas Water Code section 13.043(b)(3) appealing proposed increases to the rates for water and wastewater utility services provided by the City of Goliad (City). The City announced the rate increases in a letter dated June 29, 2017, with an effective date in August 2017.

TPWD owns and manages Goliad State Park and Historic Site (Park), which is primarily located outside the corporate limits of the City. The Park uses three meters for service from the City. Two of these meters, one of which is the main Park water source, are outside the City limits. One of the meters is for a custodian residence and is located inside the City limits; by filing its petition, TPWD did not appeal the rate increases for the meter inside the City limits.

The Public Utility Commission issued an Order of Referral on November 6, 2017, referring the case to the State Office of Administrative Hearings (SOAH) for assignment of an Administrative Law Judge (ALJ) to conduct a hearing. The Commission adopted a preliminary order in open meeting on December 14, 2017, setting out the issues to be addressed in the SOAH proceeding. On December 19, 2017, the ALJ issued a scheduling order. Upon joint motion by the parties, the ALJ stayed the proceedings to allow TPWD and the City to negotiate a settlement. On May 7, 2018, TPWD filed a Motion to Dismiss its rate appeal without prejudice; however, TPWD and the City had intended for the case to be dismissed *with* prejudice.

## II. ARGUMENT

Throughout the appeal proceedings, TPWD and the City have engaged in settlement negotiations to resolve the dispute. TPWD reached a settlement with the City of Goliad in this matter, and respectfully moved to withdraw and dismiss its rate appeal. The settlement fully resolved the issues of dispute between TPWD and the City. The settlement was just, reasonable, and in the public interest.

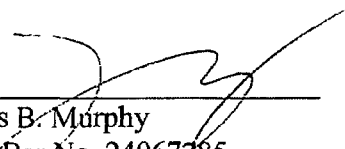
TPWD and the City now jointly move to amend the dismissal order pertaining to TPWD's rate appeal to accurately reflect the parties' intentions by noting it is a dismissal *with* prejudice.

## III. CONCLUSION

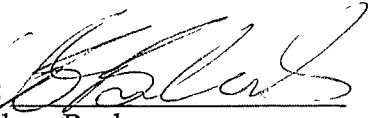
WHEREFORE, pursuant to SOAH rule 1 TAC 155.503(b)(2) and Commission rule 16 TAC 22.181(g)(1), TPWD and the City jointly move to dismiss TPWD's rate appeal *with* prejudice.

Respectfully submitted,

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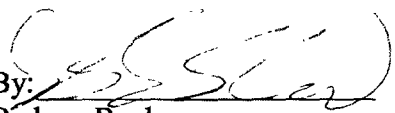
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### **CERTIFICATE OF SERVICE**

I, Barbara Boulware, attorney for City of Goliad, certify that a copy of this document was served on all parties of record in this proceeding on May 17, 2018 in the following manner: email and first class mail.

By:   
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