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PUC DOCKET NO. 47863

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PUBLIC UTILITY COMMISSION
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PETITION OF THE CITIES OF
GARLAND, MESQUITE, PLANO
AND RICHARDSON APPEALING
THE DECISION BY NORTH TEXAS
MUNICIPAL WATER DISTRICT
AFFECTING 2018 WHOLESALE
WATER RATES

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BEFORE THE

PUBLIC UTILITY COMMISSION

OF TEXAS

CITY OF FRISCO'S MOTION TO INTERVENE

COMES NOW the City of Frisco ("Frisco") and files this Motion to Intervene in this docket concerning the petition filed by the Cities of Garland, Mesquite, Plano and Richardson ("Petitioners") appealing the 2018 wholesale water rates established by the North Texas Municipal Water District ("NTMWD"). In support of its motion, Frisco would respectfully show as follows:

I. INTRODUCTION

Pursuant to Order No. 1 and 16 TAC §§ 22.101–22.104, Frisco seeks to intervene in this proceeding. As set forth below, Frisco has a justiciable interest that may be adversely affected by the outcome of this proceeding.

II. AUTHORIZED REPRESENTATIVE

The name and address of the movant is:

City of Frisco
6101 Frisco Square Blvd, 5th Floor
Frisco, Texas 75034

Frisco's authorized representative for service of all pleadings and other documents in this docket is:

Jim Mathews
Mathews & Freeland, LLP
8140 N. Mopac Expy

Suite 2-260
Austin, Texas 78759
Telephone: (512) 404-7800
Facsimile: (512) 703-2785
Email: jmathews@mandf.com

All pleadings, motions and other documents in this proceeding should be served on Frisco's authorized representative.

III. TIMELINESS OF INTERVENTION

The deadline for timely interventions is 45 days from the date an application is filed with the commission, unless otherwise provided by statute, commission rule, or order of the presiding officer. 16 TAC § 22.104(b). Pursuant to Order No. 1 in this docket, the deadline to intervene in this proceeding is January 29, 2018. This motion is, therefore, timely filed.

IV. JUSTICIABLE INTEREST

A person has standing to intervene if that person (1) has a right to participate which is expressly conferred by statute, commission rule or order or other law; or (2) has or represents persons with a justiciable interest which may be adversely affected by the outcome of the proceeding. 16 TAC § 22.103(b).

Frisco is a duly incorporated home rule city under the Texas Constitution and a retail public utility providing retail water service to approximately 160,000 residents in Denton and Collin Counties. Frisco is a member city of NTMWD, subject to the same contract rates that are the basis of this appeal. Frisco receives its wholesale treated water supply from the same NTMWD system used to supply treated water to Petitioners. Frisco is one of the "other appropriate parties" who was served with a copy of the petition pursuant to 16 TAC § 24.130(b).

Petitioners appeal a rate change action taken by NTMWD pursuant to Texas Water Code § 13.043(f) and 16 TAC §§ 24.128–24.138. Petitioners assert, among other things, that the rates established by NTMWD are unreasonably preferential, prejudicial, or discriminatory, and adversely affect the public interest.

If Petitioners are successful in changing the way NTMWD's revenue requirement is allocated among member cities, it may affect the allocation of those costs to Frisco and other member cities, thus affecting the amount they pay for water service. Therefore, Frisco has a justiciable interest in this rate appeal.

Additionally, Frisco has already been admitted as a party to the Petitioners' appeal of NTMWD's 2017 wholesale water rates (PUC Docket 46662).

V. PRAYER

WHEREFORE, PREMISES CONSIDERED, Frisco respectfully requests that this motion to intervene be granted, that Frisco be granted party status, and that Frisco receive any and all relief to which it shows that it is justly entitled.

Respectfully submitted,



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ATTORNEYS FOR THE CITY OF
FRISCO

CERTIFICATE OF SERVICE

I hereby certify that true and correct copy of the foregoing document has been served on all parties of record on January 26, 2018 in accordance with 16 Tex. Admin. Code § 22.74.


Jim Mathews