

Control Number: 47863



Item Number: 12

Addendum StartPage: 0

PUC DOCKET NO. 47863

RECEIVED  
2018 JAN 26 PM 1:11  
PUBLIC UTILITY COMMISSION  
FILING CLERK

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

**CITY OF FORNEY'S MOTION TO INTERVENE**

COMES NOW the City of Forney ("Forney") 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, Forney would respectfully show as follows:

**I. INTRODUCTION**

Pursuant to Order No. 1 and 16 TAC §§ 22.101–22.104, Forney seeks to intervene in this proceeding. As set forth below, Forney 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 Forney  
101 Main Street East  
Forney, Texas 75126

Forney'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 Forney'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).

Forney is a duly incorporated home rule city under the Texas Constitution and a retail public utility providing retail water service to approximately 50,000 residents in Kaufman County. Forney is a member city of NTMWD, subject to the same contract rates that are the basis of this appeal. Forney receives its wholesale treated water supply from the same NTMWD system used to supply treated water to Petitioners. Forney 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 Forney and other member cities, thus affecting the amount they pay for water service. Therefore, Forney has a justiciable interest in this rate appeal.

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

Respectfully submitted,



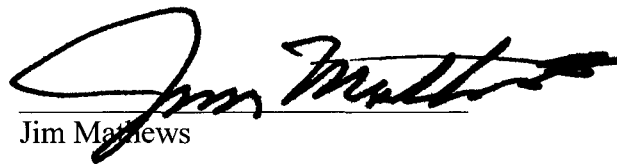
Jim Mathews  
State Bar No. 13188700  
Mathews & Freeland, LLP  
8140 N. MoPac Expy  
Ste. 2-260  
Austin, Texas 78759  
Telephone (512) 404-7800  
Facsimile (512) 703-2785  
Email: jmathews@mandf.com

ATTORNEYS FOR THE CITY OF  
FORNEY

[illegible]

### **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