



Control Number: 47863



Item Number: 17

Addendum StartPage: 0

PUC DOCKET NO. 47863

PETITION OF THE CITIES OF  
GARLAND, MESQUITE, PLANO, AND  
RICHARDSON APPEALING  
WHOLESALE WATER RATES  
IMPLEMENTED BY NORTH TEXAS  
MUNICIPAL WATER DISTRICT

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COMMISSION OF TEXAS

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

COMES NOW the City of Princeton, Texas ("City" or "Princeton") and files this Motion to Intervene ("Motion") in this docket for the Petition filed by the cities of Garland, Mesquite, Plano, and Richardson ("Appealing Cities") appealing the wholesale water rates adopted by the North Texas Municipal Water District ("NTMWD"). In support of the City's Motion, the City would show as follows:

**I. Motion to Intervene**

The Appealing Cities appeal a rate change action taken by NTMWD. The Appealing Cities assert that NTMWD has exerted or abused monopoly power and that the appealed rate is unreasonably preferential, prejudicial, and discriminatory. Thus, the Appealing Cities assert that the protested rate adversely affects the public interest. If successful in making its adverse public interest demonstration, the Appealing Cities seeks further evidentiary proceedings on the rate and asks the Public Utility Commission of Texas ("PUC") to set a just and reasonable rate.

The City is a municipality in Collin County, Texas. The City receives wholesale water service from NTMWD. The City is a "member city" of NTMWD like the Appealing Cities.

When a rate increases to a member city of NTMWD, the City's wholesale water rate is likewise increased by the same monetary amount. Thus, any determination by the PUC regarding the rates charged by NTMWD impact the rates charged to the City. For instance, if the PUC determines that the NTMWD rate appealed by the Appealing Cities is adverse to the public interest as to the Appealing Cities, then it necessarily follows that the rate charged by NTMWD is likewise adverse to the public interest for the rate charged to the City. Further, if the case is remanded to

17

SOAH for a cost of service hearing, then the City's rates will be affected by the ultimate decision in the case. For instance, every dollar of revenue reduced in the rates to serve the Appealing Cities may require an increase in revenue sought from cities, like the City. The City has a supreme interest in ensuring that the rates charged to it are just, fair, reasonable, and equitable. Thus, the City has a justiciable interest which may be adversely affected by the outcome of this proceeding.<sup>1</sup> The City hereby moves to intervene in this docket and for party status as an Intervenor even though the Application has not yet been accepted as filed.

## **II. Notice of Appearance**

Arturo D. Rodriguez, Jr., pursuant to PUC Proc. R. 22.101(a) hereby enters an appearance as counsel on behalf of the City in this docket. Accordingly, documents filed in this case, orders, service, and correspondence to the City should be directed to:

Arturo D. Rodriguez, Jr.  
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Georgetown, Texas 78628  
(512) 930-1317  
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Email: arodriguez@txlocalgovlaw.com

## **III. Conclusion and Prayer**

The City respectfully requests the Commission:

- (1) Grant the City's Motion to Intervene and recognize it as a full party to this proceeding.
- (2) Grant the City all other and further relief to which it is justly entitled.

Respectfully submitted,

**Russell Rodriguez Hyde Bullock LLP**  
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<sup>1</sup> PUC R. 22.103.  
CITY OF PRINCETON'S MOTION TO INTERVENE

/s/ Arturo D. Rodriguez, Jr.  
ARTURO D. RODRIGUEZ, JR.  
State Bar No. 00791551

**ATTORNEY FOR THE CITY OF  
PRINCETON**

## CERTIFICATE OF SERVICE

I hereby certify that on this 30<sup>th</sup> day of January, 2018, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel of record:

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