



Control Number: 47863



Item Number: 48

Addendum StartPage: 0

**SOAH DOCKET NO. 473-18-1905.WS  
PUC DOCKET NO. 47863**

RECEIVED  
2021 JAN 12 PM 4:31

PUBLIC UTILITY COMMISSION  
FILING CLERK

**PETITION OF THE CITIES OF § BEFORE THE STATE OFFICE  
GARLAND, MESQUITE, PLANO AND §  
RICHARDSON APPEALING THE §  
DECISION BY NORTH TEXAS § OF  
MUNICIPAL WATER DISTRICT §  
AFFECTING 2018 WHOLESALE §  
WATER RATES § ADMINISTRATIVE HEARINGS**

**SOAH DOCKET NO. 473-19-2805.WS  
PUC DOCKET NO. 49043**

**PETITION OF THE CITIES OF § BEFORE THE STATE OFFICE  
GARLAND, MESQUITE, PLANO AND §  
RICHARDSON APPEALING THE §  
DECISION BY NORTH TEXAS § OF  
MUNICIPAL WATER DISTRICT §  
AFFECTING 2019 WHOLESALE §  
WATER RATES § ADMINISTRATIVE HEARINGS**

**SOAH ORDER NO. 5 (SOAH DOCKET NO. 473-18-1905/PUC DOCKET NO. 47863)  
SOAH ORDER NO. 2 (SOAH DOCKET NO. 473-19-2805/PUC DOCKET NO. 49043)**

**GRANTING MOTIONS TO DISMISS**

On March 15, 2019, the undersigned Administrative Law Judges (ALJs) of the State Office of Administrative Hearings (SOAH) issued a Proposal for Decision (PFD) to the Public Utility Commission of Texas (Commission) in SOAH Docket No. 473-17-4964/PUC Docket No. 46662 (Docket 46662). Docket 46662 concerned the appeal by the Cities of Garland, Mesquite, Plano, and Richardson (Petitioning Cities) of the North Texas Municipal Water District's (District) 2016-17 wholesale water rates. The Petitioning Cities subsequently appealed the District's 2017-18 and 2018-19 wholesale water rates, and the Commission referred those cases to SOAH as, respectively, SOAH Docket No. 473-18-1905.WS/PUC Docket No. 47863 (Docket 47863) and SOAH Docket No. 473-19-2805/PUC Docket No. 49043 (Docket 49043).

Dockets 47863 and 49043 were abated during the processing of Docket 46662. On October 29, 2020, the Petitioning Cities, the District, and other contractual parties advised the

Commission that all outstanding issues had been resolved by agreement and requested that the Commission permit the Petitioning Cities to withdraw the appeal in Docket 46662. On November 19, 2020, the Commission issued an order granting that request and dismissing the appeal in Docket 46662 with prejudice. Pursuant to their agreement with the other parties, on December 15, 2020, the Petitioning Cities filed requests with the Commission to withdraw the appeals in Dockets 47863 and 49043 and close those dockets. However, the Petitioning Cities were advised that—because the Commission had referred Dockets 47863 and 49043 to SOAH, which had not yet issued a PFD in those dockets—dismissal of those dockets by SOAH was required before the Commission could close its dockets.

On December 17, 2020, the Petitioning Cities filed a request with SOAH to dismiss Dockets 47863 and 49043 as moot, pursuant to 1 Texas Administrative Code § 155.503(d)(1)(C). The request has merit and is **GRANTED** as discussed below.

SOAH has adopted the Commission’s procedural rules for cases referred to SOAH by the Commission.<sup>1</sup> Under Commission Procedural Rule 22.181, dismissal of a proceeding as moot requires preparation of a PFD.<sup>2</sup> In its Orders of Referral issued January 22, 2018, in Docket 47863 and February 19, 2019, in Docket 49043, the Commission referred the cases to SOAH “to conduct a hearing and issue a proposal for decision if necessary to resolve any issues that are contested by the parties.” There are no longer any contested issues; the parties have reached an agreement that contemplates the Commission dismissing the cases. Because no contested issues remain, a proposal for decision is not necessary. It is therefore **ORDERED** that SOAH Docket No. 473-18-1905.WS/PUC Docket No. 47863 and SOAH Docket No. 473-19-2805/PUC Docket No. 49043 are **DISMISSED** from the SOAH docket and **REMANDED** to the Commission for final disposition.

---

<sup>1</sup> 1 Tex. Admin. Code § 155.1(f)

<sup>2</sup> 16 Tex. Admin. Code § 22.181(d)(2) and (f)(2)

SOAH DOCKET NO. 473-18-1905.WS  
PUC DOCKET NO. 47863

SOAH ORDER NO. 5

PAGE 3

SOAH DOCKET NO. 473-19-2805.WS  
PUC DOCKET NO. 49043

SOAH ORDER NO. 2

SIGNED January 12, 2021.



HOLLY VANDROVEC  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS



PRATIBHA J. SHENOY  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS