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PETITION BY
AIRW 2017-7, L.P., A TEXAS
LIMITED PARTNERSHIP,
FOR STREAMLINED
EXPEDITED RELEASE
FROM CCN NO. 20071

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BEFORE THE PUBLIC UTILITY
COMMISSION
PUBLIC UTILITY
FILING CLERK

COMMISSION OF TEXAS

**MOTION TO WITHDRAW WITHOUT PREJUDICE PETITION FOR STREAMLINED
EXPEDITED RELEASE FROM CCN NO. 20071**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW AIRW 2017-7, L.P., a Texas limited partnership ("Petitioner"), and files this Motion to Withdraw Without Prejudice its Petition for Streamlined Expedited Release from CCN No. 20071 docketed as PUC Docket No. 48935, and in support thereof would show the Executive Director as follows:

**I.
BACKGROUND FACTS**

Petitioner filed a Petition for Streamlined Expedited Release from CCN No. 20071 with the Public Utility Commission of Texas on November 30, 2018. Contemporaneously with that filing, Petitioner also caused copies of the Petition to be mailed to representatives of the City of McKinney, the holder of CCN No. 20071.

The Petition was docketed as PUC Docket No. 48935. On December 3, 2018, the Honorable Mayson Pearson, Administrative Law Judge, issued Order No. 1 in Docket 48935, establishing a schedule for the docket, including publication of notice in the *Texas Register*, a deadline for comments on the administrative completeness of the Petition and notice for the PUC Staff, as well as a deadline for the City of McKinney to intervene in the proceedings. On December 14, 2018, the required notice was published in the *Texas Register* at 43 Tex. Reg. 8184. The

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prescribed comments by Staff and the intervention by the City of McKinney have both been filed in Docket No. 48935.

On February 8, 2019, the ALJ filed an Open Meeting Memorandum with a proposed final order. The Memorandum advised the Commissioners that all procedural and substantive prerequisites to granting the Petition had been accomplished, and set the matter for consideration of and action upon a final order granting the requested decertification for the Commission's February 28, 2019, Open Meeting Agenda.

Pursuant to Petitioner's continuing efforts to secure retail sewer service from the City prior to the scheduled final consideration and action by the commission, including Petitioner's efforts to obtain negotiated easements and facilitate the City's ability to provide retail sewer service to Petitioner's property without the need for the City to exercise its powers of eminent domain, Petitioner filed a Motion to Continue that final action until April 4, 2019, to provide time to complete negotiations with the City and third-party landowners from whom an easement was required.

In response to Petitioner's Motion, the Docket was removed from the February 28, 2019, Agenda. Petitioner now believes it will be able to secure retail sewer service to its property from the City at a reasonable cost, and in a reasonable time-frame and, therefore, no longer requires decertification. Based upon updated circumstances, Petitioner is comfortable withdrawing its pending Petition without prejudice, and allowing the City the opportunity to provide continuous and adequate service to the affected Property.

II.
MOTION TO WITHDRAW WITHOUT PREJUDICE

The Petitioner, City of McKinney and PUC Staff are the only parties to this Docket No. 48935. Petitioner has advised both parties through counsel of the intent to file this motion, and

neither party has objected to the proposed motion. Accordingly, Petitioner respectfully moves to withdraw without prejudice its Petition in PUC Docket No. 48935.

III.
CONCLUSION & PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner AIRW 2017-7, L.P., respectfully requests that the Commission grant its Motion to Withdraw its Petition Without Prejudice in this PUC Docket No. 48935, and allow Petitioner and the City of McKinney to continue to work together in anticipation of facilitating the supply of retail wastewater service to the affected property by the City.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify by my signature below, that on this the 4th day of April 2019, that a true and correct copy of the foregoing Motion to Withdraw Without Prejudice the Petition for Streamlined Expedited Release was:

- (i) electronically and manually filed with the Commission pursuant to Rule 22.74, and
- (ii) forwarded via postage prepaid regular first-class mail and/or e-mail, where available, to the Parties to this Docket No. 48935 or their legal counsel at the locations shown on the attached service list.

/s/ Edmond R. McCarthy, Jr.
Edmond R. McCarthy, Jr.

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