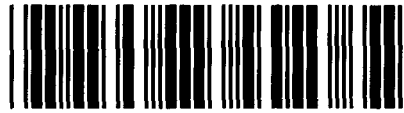


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PUBLIC UTILITY COMMISSION

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

BEFORE THE PUBLIC UTILITY
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 the Petition for Streamlined Expedited Release from CCN No. 20071 docketed as PUC Docket No. 49029, 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.

That Petition was docketed as PUC Docket No. 48935, on November 30, 2018. 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 prescribed comments by Staff and the intervention by the City of McKinney have both been filed in Docket No. 48935.

Unbeknownst to Petitioner, on December 17, 2018, a duplicate copy of the Petition filed in Docket No. 48935 was filed with the Public Utility Commission of Texas and separately docketed as Docket No. 49029. Petitioner has no knowledge of this filing or how it occurred. Subsequently, on January 3, 2019, Order No. 1 in the duplicative Docket No. 49029 was issued requiring PUC Staff to provide comments and setting a deadline for “Green Valley SUD and other affected persons” to file interventions or comments on the Petition. Green Valley SUD, to the best of Petitioner’s knowledge, has no interest in or relationship to CCN No. 20071, and would not be an appropriate party to Docket No. 49029, assuming Petitioner desired to pursue Docket No. 49029.

To the best of Petitioner’s knowledge, the Petition which led to the opening of Docket No. 49029 is duplicative in all respects to the Petition filed and docketed as PUC Docket No. 48935. Accordingly, Petitioner believes that the proceedings in Docket No. 49029 should cease, and the Docket dismissed without prejudice to the Petition or Petitioner’s continued prosecution of Docket No. 48935.

II.

MOTION TO WITHDRAW WITHOUT PREJUDICE

Docket No. 49029 is duplicative of Docket No. 48935. Accordingly, Petitioner respectfully moves that the Commission dismiss, without prejudice, the Petition docketed as PUC Docket No. 49029, and allow PUC Docket No. 48935 to proceed.

III.

CONCLUSION & PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner AIRW 2017-7, L.P., respectfully requests that the Commission grant its Motion to Withdraw Without Prejudice the Petition currently docketed as PUC Docket No. 49029, and dismiss Docket No. 49029, and allow separate PUC Docket No. 48935 to proceed.

Respectfully submitted,

MCCARTHY & MCCARTHY, LLP

1122 Colorado St., Suite 2399

Austin, Texas 78701

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

Edmond R. McCarthy, Jr.

State Bar No. 13367200

(512) 904-2313 (Tel)

(512) 692-2826 (Fax)

ed@ermlawfirm.com

ATTORNEYS FOR PETITIONER,

AIRW 2017-7, L.P., a Texas limited partnership

CERTIFICATE OF SERVICE

I hereby certify by my signature below, that on this the 10th day of January, 2019, 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 Docket No. 49029 or their legal counsel at the locations shown on the attached service list.

/s/ Edmond R. McCarthy, Jr.

Edmond R. McCarthy, Jr.

SERVICE LIST**Nathan M. Rosen**

Nathan M. Rosen, P.C.
Attorneys & Counselors
One Bent Tree Tower
16475 Dallas Parkway, Suite 660
Addison, Texas 75001
Tel.: (972) 818-7600
Fax: (972) 818-7606
E-mail: nrosen@txrelaw.com

Representing Petitioner - AIRW 2017-7, L.P.,
a Texas limited partnership

Ms. Sarah McDaniel
Legal Division
Public Utility Commission of Texas
P.O. Box 13326
Austin, Texas 78711
Tel.: (512) 936-7289
Fax: (512) ____ - ____
E-mail: sarah.mcdaniel@puc.texas.gov

Representing Public Utility Commission of Texas –
Legal Division