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

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BEFORE THE PUBLIC UTILITY

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PUBLIC UTILITY COMMISSION
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COMMISSION OF TEXAS

CITY OF ALLEN'S MOTION TO INTERVENE

COMES NOW the City of Allen, Texas ("City" or "Allen") 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 seek 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 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.¹ The City hereby moves to intervene in this docket and for party status as an Intervenor.

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:

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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,

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¹ PUC R. 22.103.
CITY OF ALLEN'S MOTION TO INTERVENE

/s/ Arturo D. Rodriguez, Jr.
ARTURO D. RODRIGUEZ, JR.
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ATTORNEY FOR THE CITY OF ALLEN

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January 2019, 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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