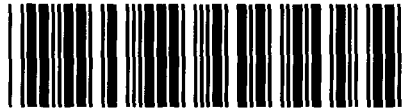


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2019 FEB 28 AM 11:21
BEFORE THE STATE OFFICE
PUBLIC UTILITIES COMMISSION
FILING CLERK
OF
ADMINISTRATIVE HEARINGS

PETITION OF THE CITIES OF
GARLAND, MESQUITE, PLANO,
AND RICHARDSON APPEALING
THE DECISION BY NORTH TEXAS
MUNICIPAL WATER DISTRICT
AFFECTING 2019 WHOLESALE
WATER RATES

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CITY OF FRISCO AND CITY OF FORNEY'S LIST OF ISSUES

COME NOW the Cities of Frisco ("Frisco") and Forney ("Forney") and file this List of Issues and would show the following:

I. BACKGROUND

This appeal of the North Texas Municipal Water District's (the "District") fiscal year 2019 wholesale water rates by the Cities of Garland, Mesquite, Plano, and Richardson (the "Petitioners") is the third in a series of appeals filed by Petitioners. Their petition for the 2019 appeal appears to add no new legal theories to their previous claims. The State Office of Administrative Hearings (SOAH) has abated the 2018 and 2019 rate appeal.¹ The appeal of the 2017 rates has been tried before SOAH with the record closing on January 18, 2019.² The proposal for decision is anticipated in the near future. The Commission should consider deferring the entry of a Preliminary Order in this case pending the opportunity to consider the 2017 rate appeal on the merits.

II. LIST OF ISSUES

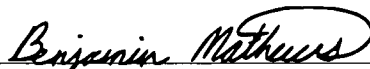
If the Commission elects to proceed with a Preliminary Order and list of issues for this case at this time, Frisco and Forney recommend that this appeal be limited to the issues set forth below.

¹ See Order No. 1 (Feb. 21, 2019); see also *Petition of the Cities of Garland, Mesquite, Plano, and Richardson Appealing the Decision by North Texas Municipal Water District Affecting Wholesale Water Rates*, Docket No. 47863, Order No. 4 (Apr. 3, 2018).

² See *Petition of the Cities of Garland, Mesquite, Plano, and Richardson Appealing the Decision by North Texas Municipal Water District Affecting Wholesale Water Rates*, Docket No. 46662, Order No. 23 (Jan. 10, 2019).

1. Do the facts demonstrate that the Commission has authority under TWC § 12.013 to hear this appeal?
2. Do the facts demonstrate that the Commission has authority under TWC § 13.043(f) to hear this appeal?
3. Was the petition filed in accordance with TWC § 13.043(f) and 16 TAC § 24.237 and § 24.305?
4. Have Petitioners met their burden of proof under 16 TAC § 24.317 to demonstrate that rates imposed by the District adversely affect the public interest by showing that the rates violate at least one of the public interest criteria provided by 16 TAC § 24.311(a)?

Respectfully submitted,



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ATTORNEYS FOR THE CITY OF
FRISCO AND THE CITY OF
FORNEY

CERTIFICATE OF SERVICE

I hereby certify that true and correct copy of the foregoing document has been served on all parties of record in this proceeding on February 28, 2019 in accordance with 16 Tex. Admin. Code § 22.74.


Benjamin Mathews