



Control Number: 49043



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2019 JUN 30 PM 2:04

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 COMMISSION

OF TEXAS

CITY OF FRISCO'S MOTION TO INTERVENE

COMES NOW the City of Frisco ("Frisco") and files this Motion to Intervene in this docket concerning the petition filed by the Cities of Garland, Mesquite, Plano and Richardson ("Petitioners") appealing the fiscal year 2019 wholesale water rates established by the North Texas Municipal Water District ("NTMWD"). In support of its motion, Frisco would respectfully show as follows:

I. INTRODUCTION

Pursuant to Order No. 1 and 16 Tex. Admin. Code §§ 22.101–04 ("TAC"), Frisco seeks to intervene in this proceeding. As set forth below, Frisco has a justiciable interest that may be adversely affected by the outcome of this proceeding.

II. AUTHORIZED REPRESENTATIVES

The name and address of the movant is:

City of Frisco
6101 Frisco Square Blvd, 5th Floor
Frisco, Texas 75034

Frisco's authorized representatives for service of all pleadings and other documents in this docket are:

Jim Mathews
Benjamin Mathews
Mathews & Freeland, LLP
8140 N. Mopac Expy
Suite 2-260

Austin, Texas 78759
Telephone: (512) 404-7800
Facsimile: (512) 703-2785
Email: jmathews@mandf.com; bmathews@mandf.com

All pleadings, motions and other documents in this proceeding should be served on Frisco's authorized representatives.

III. TIMELINESS OF INTERVENTION

The deadline for timely interventions is 45 days from the date an application is filed with the Commission, unless otherwise provided by statute, Commission rule, or order of the presiding officer. 16 TAC § 22.104(b). Pursuant to Order No. 1 in this docket, the deadline to intervene in this proceeding is February 3, 2019. This motion is timely filed.

IV. JUSTICIABLE INTEREST

A person has standing to intervene if that person (1) has a right to participate which is expressly conferred by statute, Commission rule or order or other law; or (2) has or represents persons with a justiciable interest which may be adversely affected by the outcome of the proceeding. 16 TAC § 22.103(b).

Frisco is a duly incorporated home rule city under the Texas Constitution and a retail public utility providing retail water service to approximately 160,000 residents in Denton and Collin Counties. Frisco is a member city of NTMWD. Frisco receives its wholesale treated water supply from the same NTMWD system used to supply treated water to Petitioners. Frisco is one of the "other appropriate parties" who was served with a copy of the petition pursuant to 16 TAC § 24.305(b).


Petitioners appeal a rate change action taken by NTMWD pursuant to Texas Water Code §§ 12.013 and 13.043(f), and 16 TAC §§ 24.301–21. Petitioners assert, among other things, that NTMWD has abused its monopoly power and that the rates established by NTMWD are unreasonably preferential, prejudicial, and discriminatory, and adversely affect the public interest.

If the Commission determines the protested rates adversely affect the public interest, this may affect the rates Frisco and its residents pay for water service. Therefore, Frisco has a justiciable interest in this rate appeal.

V. PRAYER

WHEREFORE, PREMISES CONSIDERED, Frisco respectfully requests that this motion to intervene be granted, that Frisco be granted party status, and that Frisco receive any and all relief to which it shows that it is justly entitled.

Respectfully submitted,


Jim Mathews
State Bar No. 13188700

Benjamin Mathews
State Bar No. 24086987

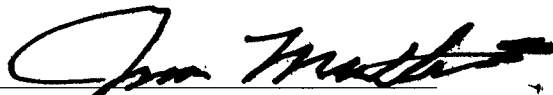
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ATTORNEYS FOR THE CITY OF
FRISCO



CERTIFICATE OF SERVICE

I hereby certify that true and correct copy of the foregoing document has been served on all parties of record on January 30, 2019 in accordance with 16 Tex. Admin. Code § 22.74.



Jim Mathews