



Control Number: 49189



Item Number: 213

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SOAH DOCKET NO. 473-19-6297.WS
PUC DOCKET NO. 49189

APPLICATION OF THE CITY OF
AUSTIN DBA AUSTIN WATER FOR
AUTHORITY TO CHANGE WATER
AND WASTEWATER RATES

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

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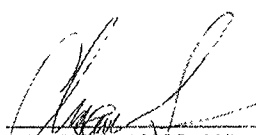
SOAH ORDER NO. 14
LIFTING STAY AND DISMISSING CASE

On December 2, 2019, the City of Austin dba Austin Water (Austin Water) filed a letter withdrawing its application without prejudice pursuant to the Public Utility Commission of Texas (Commission) dismissal rule, 16 Texas Administrative Code (TAC) § 22.181. On December 6, 2019, the Districts¹ filed a response, arguing that the rule does not allow dismissal based on withdrawal under the facts of this case. On December 12, 2019, Austin Water filed a letter response arguing that because it no longer seeks authority to increase the rates it charges to the Districts, the Commission lacks jurisdiction over this case.

On December 12, 2019, the Administrative Law Judges (ALJs) issued Order No. 13 granting the dismissal based on withdrawal, finding that Austin Water met the criteria to withdraw its application without prejudice, staying the dismissal pending appeal, and abating the procedural schedule. On December 30, 2019, the Districts appealed SOAH Order No. 13. On December 8, 2020, the Commission Staff and Austin Water responded in favor of the dismissal and opposing the appeal. After the expiry of ten days of filing the appeal, no commissioner voted to hear the appeal. Accordingly, the appeal is denied under 16 TAC § 22.123(a)(7)(A).

For the reasons set out above, the stay of the dismissal is lifted and the case is **DISMISSED WITHOUT PREJUDICE** from the dockets of the State Office of Administrative Hearings and the Commission pursuant to 16 TAC § 22.181(f)(2) and (6), (g)(1), and (5).

SIGNED January 10, 2020.



CHRISTIAAN SIANO
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



ELIZABETH DREWS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

¹ North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control & Improvement District No. 10, and Wells Branch Municipal Utility District (collectively, Districts).