



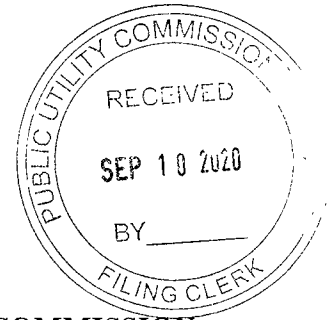
Control Number: 49225



Item Number: 127

Addendum StartPage: 0

SOAH DOCKET NO. 473-20-1554.WS
PUC DOCKET NO. 49225



PETITION BY OUTSIDE CITY RATEPAYERS APPEALING THE WATER AND WASTEWATER RATES ESTABLISHED BY THE CITY OF CELINA §
§ **PUBLIC UTILITY COMMISSION**
§
§ **OF TEXAS**
§

PETITIONERS' MOTION TO WITHDRAW

COME NOW, the Outside City Ratepayers of the City of Celina (“Petitioners”) file this, their Motion to Withdraw in the above-referenced matter. In support of the Motion, Petitioners and the City show the following.

I. INTRODUCTION AND BACKGROUND

1. On February 14, 2019 and pursuant to Tex. Water Code § 13.043(b)(3), Petitioners filed their Petition appealing the City of Celina (“City”) water and wastewater rates adopted by the City Council on November 13, 2018.¹
2. On March 15, 2019, Petitioners filed their First Amended Petition in this matter.
3. Order No. 4 deemed the Petition administratively complete on April 17, 2019.
4. On June 27, 2019, Petitioners filed a motion to consolidate the petitions and name Collin County MUD No. 1 (the “District”) as Petitioners’ representative in this matter.
5. On September 10, 2019, Petitioners filed a request to refer the matter to the State Office of Administrative Hearings (“SOAH”).
6. On December 10, 2019, the Commission issued its Order of Referral, which referred the matter to SOAH to conduct an evidentiary hearing regarding the City water and wastewater rates charged Petitioners.

¹ See Original Petition Appealing the Rates Established by the City of Celina, Feb. 14, 2019.

127

7. SOAH Order No. 2, adopted January 29, 2020, adopted the parties' agreed procedural schedule, setting a hearing date in late September and early October 2020.
8. On June 26, 2020, Petitioners and the City filed their Joint Motion to Abate the procedural schedule deadlines so that the Petitioners and the City could finalize a settlement agreement.
9. SOAH Order No. 7, issued June 29, 2020, granted the parties motion to abate and required the parties to file by September 1, 2020 a status report on whether to continue or lift the abatement.

II. PETITIONERS WITHDRAWAL

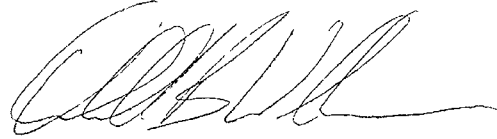
Petitioners, all customers residing within the District, included the approximately 322 signatories to the Original Petition appealing the retail water and wastewater rates of the City.² The City and the Petitioners, by and through the District, have reached an agreement resolving all outstanding issues of fact and law at issue in this contested rate case hearing. Accordingly, pursuant to 16 TEX. ADMIN. CODE §22.181 and consistent with the parties' Settlement Agreement, Petitioners, including the District, seek to withdraw their February 14, 2019 Petition *with* prejudice. The ALJs no longer need to convene any hearing on this matter.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioners respectfully request that the ALJs grant their Motion to Withdraw and issue an order dismissing this appeal with prejudice.

² See First Amended Petition Appealing Water and Wastewater Rates of the City of Celina and Request for Interim Rates at 3, Mar 15, 2019.

Respectfully submitted,



By: _____

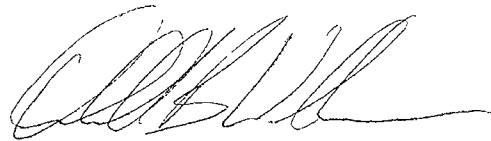
Randall B. Wilburn
State Bar No. 24033342
Helen S. Gilbert
State Bar No. 00786263
GILBERT WILBURN PLLC
7000 North MoPac Blvd., Suite 200
Austin, Texas 78731
rbw@gwtxlaw.com
hgilbert@gwtxlaw.com
Telephone: (512) 535-1661
Facsimile: (512) 535-1678

John J. Carlton
State Bar No. 03817600
Kelli A. N. Carlton
State Bar No. 15091175
The Carlton Law Firm, P.L.L.C.
4301 Westbank Drive, Suite B-130
Austin, Texas 78746
john@carltonlawaustin.com
kelli@carltonlawaustin.com
Telephone: (512) 614-0901
Facsimile: (512) 900-2855

ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail Return Receipt Requested to all parties on this the 10th day of September 2020.



Randall B. Wilburn