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PUC DOCKET NO. 50041

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APPLICATION BY
AIRW 2017-7, L.P., A TEXAS
LIMITED PARTNERSHIP,
FOR A WATER CERTIFICATE
OF CONVENIENCE AND
NECESSITY

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BEFORE THE PUBLIC UTILITY

COMMISSION OF TEXAS

**APPLICANT'S UNOPPOSED WITHDRAWAL WITHOUT PREJUDICE
OF ITS APPLICATION FOR A WATER CCN IN DOCKET NO. 50041**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW AIRW 2017-7, L.P., a Texas limited partnership ("Petitioner"), Applicant in this Docket No. 50041, and pursuant to PUC Rule 22.181(g) (16 TAC), files this Withdrawal Without Prejudice of its Application for a Water CCN in this Docket No. 50041 and, in support thereof, would show the Administrative Law Judge ("ALJ") as follows:

1. On September 23, 2019, the Applicant filed its Application for a Water CCN.
2. On August 12, 2020, the ALJ issued Order No. 7 finding the Application to be administratively complete and setting a procedural schedule.
3. During the interim, Applicant has reached an agreement with an existing third-party entity in the business of owning and operating retail water utility systems throughout the State of Texas, *i.e.*, Aqua Texas, Inc., a Texas corporation, to acquire the retail water utility system constructed by the Applicant and to operate the same as part of its facilities.
4. Aqua Texas, Inc. has agreed to file an application with the Public Utility Commission of Texas to amend Aqua Texas, Inc.'s north Texas service area Retail Water CCN No. 13291, to include the area described in the Application being withdrawn.

5. No hearing has been requested or conducted on Applicant's Application, and Applicant has *not* presented its direct case. *See* PUC Rule 22.181(g)(1) (16 TAC).
6. No proposed order, nor proposal for decision, has been issued on the Application. *See* PUC Rule 22.181(g)(2)-(3) (16 TAC).
7. The Application has *not* been placed on an open meeting agenda for consideration of an appeal of an interim order, a request for certified issues, or a preliminary order with threshold legal or policy issues. *See* PUC Rule 22.181(g)(4) (16 TAC).

CONCLUSION & PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner AIRW 2017-7, L.P., respectfully requests that pursuant to PUC Rule 22.181(g) (16 TAC), the ALJ enter an Order granting Applicant's withdrawal of its Application without prejudice.

Respectfully submitted,

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**ATTORNEYS FOR PETITIONER,
AIRW 2017-7, L.P., a Texas limited partnership**

CERTIFICATE OF SERVICE

I hereby certify by my signature below, that on this the 11th day of December, 2020, a true and correct copy of the foregoing was:

- (i) electronically e-filed with the Commission pursuant to Rule 22.74 and the Commission's Order in Docket No. 50664 addressing Covid-19 Pandemic conditions, and
- (ii) forwarded via postage prepaid regular first-class mail and/or e-mail, where available, to the Parties to Docket No. 50041 or their legal counsel at the locations shown on the attached service list.

/s/ Edmond R. McCarthy, Jr.
Edmond R. McCarthy, Jr.

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