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DOCKET NO. 52226

PETITION BY OUTSIDE CITY	§	PUBLIC UTILITY COMMISSION
RATEPAYERS APPEALING THE	§	
WATER RATES ESTABLISHED BY	§	OF TEXAS
THE CITY OF MELVIN	§	

**COMMISSION STAFF’S MOTION TO ABATE IN RESPONSE TO THE CITY OF
MELVIN’S MOTION TO DISMISS**

On June 10, 2021, certain ratepayers (Petitioners) outside the City of Melvin (Melvin) filed, under Texas Water Code (TWC) § 13.043(b)(3) and 16 Texas Administrative Code (TAC) § 24.103(c)(3), a petition appealing the water rates approved by Melvin City Council on January 18, 2021.

On August 3, 2021, the administrative law judge (ALJ) filed Order No. 3, establishing a deadline of August 30, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the petition and to propose a procedural schedule. On August 11, 2021, Melvin filed a motion to dismiss. Staff files this response pursuant to 16 TAC §§ 22.77(b) and 77(a). Therefore, this pleading is timely filed.

I. MOTION TO ABATE IN RESPONSE TO MOTION TO DISMISS

On August 11, 2021, Melvin filed a motion to dismiss this proceeding, indicating that the rates at issue had been rescinded as of August 2, 2021, thus causing the Petitioners’ appeal to become moot. In its motion to dismiss, Melvin stated that it has committed to refunding the Petitioners the difference between the January 18, 2021 rate and the previous rate used by the city.¹

¹ City of Melvin's Motion to Dismiss (with attachments) at 1, Exhibit A at 1 (Aug. 11, 2021).

In response, Staff requests that this docket and any ruling on the motion to dismiss be abated until Melvin has fulfilled its commitment to refund the Petitioners. Staff recommends that Melvin be ordered to file proof of the refunds or, in the alternative, to provide a status report on the progress of the refunds by September 1, 2021.

II. CONCLUSION

For the reasons stated herein, Staff respectfully requests that Melvin be ordered to file proof of the refunds or, in the alternative, to provide a status report on the progress of the refunds by September 1, 2021. Staff recommends that this docket be abated until the refunds have been made.

Dated: August 17, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on August 17, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles