



## **Filing Receipt**

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

**ORDER NO. 10**  
**FINDING MELVIN HAS SUFFICIENTLY DEMONSTRATED THAT**  
**FULL REFUNDS WERE MADE AND SETTING DEADLINE**

This Order addresses the City of Melvin's information and motion to dismiss this case in response to Order No. 9 filed on March 13, 2023, and Commission Staff's May 8, 2023 reply to Melvin's filing and motion to dismiss.

On April 27, 2023, Melvin filed a copy of and minutes for its February 28, 2023 special city council meeting, along with an affidavit from the mayor of Melvin and audit history confirming that full refunds were realized by the outside city ratepayers.

On May 8, 2023, Commission Staff filed a reply, recommending that a review of Melvin's response to Order No. 9 and the attachments thereto sufficiently demonstrate that full refunds have been realized, excepting to one customer to whom a check was sent, which was cashed, and a refund realized, nonetheless. Commission Staff recommends the Commission find that Melvin has sufficiently complied with Order No. 9. Further, in light of the preceding, Commission Staff recommends that Melvin's motion to dismiss be granted as appropriate under 16 Texas Administrative Code (TAC) §§ 22.181(d)(2) and (11), and that dismissal without a hearing is appropriate as the facts supporting such dismissal are uncontested.

The administrative law judge (ALJ) finds that Melvin has sufficiently demonstrated that full refunds have been made in compliance with the directives described in Order No. 9. Thus, because the city cancelled the rate increase that was appealed in this petition and all monies collected under the rate increase have been refunded, it does not appear there are any remaining issues in dispute in this petition. Rather than ruling on the city's motion to dismiss, which requires a proposal for decision and must go before the Commission for approval, on or before May 19, 2023, petitioners may move to withdraw the petition, which can be granted by the ALJ.

Signed at Austin, Texas the 10th day of May 2023.

PUBLIC UTILITY COMMISSION OF TEXAS



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SUSAN E. GOODSON

ADMINISTRATIVE LAW JUDGE