



## **Filing Receipt**

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**Control Number - 52370**

**Item Number - 130**

**SOAH DOCKET NO. 473-22-07686  
PUC DOCKET NO. 52370**

<b>APPLICATION OF EAST HOUSTON UTILITIES, INC. FOR AUTHORITY TO CHANGE RATES</b>	§ § § § §	<b>BEFORE THE STATE OFFICE  OF  ADMINISTRATIVE HEARINGS</b>
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**JOINT NOTICE OF STIPULATION AND AGREED MOTION TO DISMISS**

COME NOW East Houston Utilities, Inc. (“EHU”), the Staff (“Staff”) of the Public Utility Commission of Texas (“Commission”), Lauren Hood, Wesley Francis, Barry Evans, and J.D. and Mona Keller (the “Parties”)<sup>1</sup>, file this Joint Notice of Stipulation and Motion to Dismiss Gary Lechner as a party. In support, EHU respectfully shows the following.

**I. BACKGROUND**

On July 29, 2021, EHU filed its application to change rates for water utility service (the “Application”). Prior to the scheduled hearing on the merits in this docket, the Parties reached a settlement agreement in principle. After further negotiations, the Parties have executed a Unanimous Stipulation and Settlement Agreement (“Stipulation”), which includes certain settlement rates/tariffs and requires follow-up implementation actions.

**II. NOTICE OF UNANIMOUS STIPULATION  
AND SETTLEMENT AGREEMENT**

With this Notice, the Parties are filing a Unanimous Stipulation and Settlement Agreement (“Stipulation”) dated May 7, 2024, with the agreed proposed tariff attached. In the Stipulation, the Parties agreed to the current interim rates being set as the final rates for this docket. The Parties will provide a proposed final order, submit evidence for admission into the record in support of

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<sup>1</sup> Gary Lechner also filed an intervention in this matter, which was granted in Order No. 9 Granting Interventions (May 31, 2022). However, Mr. Lechner subsequently moved and is no longer a customer of EHU.

the Stipulation, and request remand to the Commission for final approval shortly after filing the attached Stipulation. In the meantime, this docket should remain abated as previously ordered.

### **III. MOTION TO DISMISS**

On May 13, 2022, Mr. Gary Lechner filed a request to intervene. At that time, Mr. Lechner lived at 321 County Road 4865, Dayton, Texas 77535 and was a customer of EHU. On May 31, 2022, Order No. 9 Granting Interventions was issued and listed Mr. Lechner as a party. On September 28, 2022, the presiding SOAH ALJ issued SOAH Order No. 2 Memorializing Prehearing Conference; Admitting Intervenors; Finding Notice Sufficient; Adopting Procedural Schedule; Setting Hearing on the Merits; and Referring Case for Mediation which set a deadline of October 28, 2022 for the Direct Testimony or Statement of Position of Protestors/Ratepayers. Mr. Lechner did not file anything by that deadline. On January 29, 2024, SOAH Order No. 9 Adopting Procedural Schedule and Setting Hearing on the Merits set January 29, 2024 as the deadline for Direct Testimony or Statement of Position of Protestors/Ratepayers. Mr. Lechner did not file anything then either. In addition to Mr. Lechner's lack of participation in the proceeding, EHU reports that Mr. Lechner is not currently a customer of EHU and has moved out of the Whitewing Subdivision, the EHU service area that is subject to the rates requested in the Application.<sup>2</sup> EHU respectfully requests that Mr. Lechner be dismissed as a party to this proceeding. EHU conferred with the Parties and Mr. Lechner regarding the motion to dismiss Mr. Lechner and no one objected to the motion.

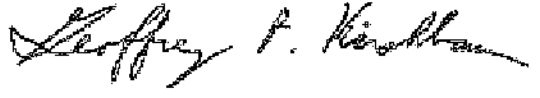
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<sup>2</sup> See **Exhibit A** – Affidavit of Hannah Krebs.

#### **IV. PRAYER**

Wherefore, premises considered, East Houston Utilities, Inc., the Staff of the Public Utility Commission of Texas, Lauren Hood, Wesley Francis, Barry Evans, and J.D. and Mona Keller respectfully request that Gary Lechner be dismissed as a party to this proceeding.

Respectfully submitted,

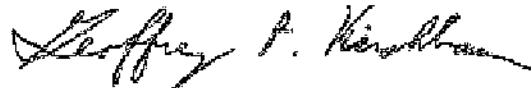
By: 

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**ATTORNEYS FOR EAST HOUSTON  
UTILITIES, INC.**

#### **CERTIFICATE OF SERVICE**

I certify that unless otherwise ordered by the presiding officer, notice of this document was provided to all parties of record via electronic mail on May 20, 2024 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.



Geoffrey P. Kirshbaum

SOAH DOCKET NO. 473-22-07686  
PUC DOCKET NO. 52370

APPLICATION OF EAST HOUSTON  
UTILITIES, INC. FOR AUTHORITY TO  
CHANGE RATES

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

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AFFIDAVIT OF HANNAH KREBS

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THE STATE OF TEXAS   §  
                                  §  
COUNTY OF TRAVIS   §

BEFORE ME, the undersigned official on this day personally appeared Hannah Krebs, who is personally known to me and first being duly sworn according to law, upon his oath deposed and said:

My name is Hannah Krebs. I am over the age of 18 years and reside in Harris County, Texas. I am of sound mind and fully competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are true and correct.

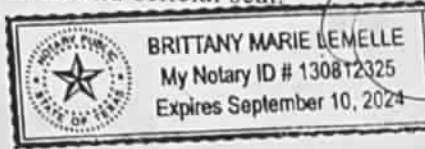
I am the Records Coordinator for East Houston Utilities, Inc. (EHU), and I am authorized to make this affidavit on behalf of EHU.

I have reviewed EHU's Motion to Dismiss, and the facts stated therein are true and correct. On or about April 25, 2023, Gary Lechner called EHU and requested service cancellation. EHU closed Mr. Lechner's account on May 1, 2023. Additionally, please see **Exhibit A**, which is a copy of the Harris County tax roll showing that Mr. Lechner no longer owns the property.

Hannah Krebs

Hannah Krebs  
Records Coordinator  
East Houston Utilities, Inc.

SUBSCRIBED AND SWORN TO BEFORE ME on this the 15<sup>th</sup> day of May, 2024, to  
which witness my hand and official seal.



[Signature]  
Notary Public in and for  
The State of Texas