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DOCKET NO. 55942

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

**COMMISSION STAFF'S MOTION TO ABATE IN RESPONSE TO THE CITY OF
ROCKPORT'S MOTION TO DISMISS**

On December 4, 2023, certain ratepayers (Ratepayers) outside of the City of Rockport (Rockport) filed a petition appealing Rockport's water and wastewater rates under Texas Water Code (TWC) § 13.043(b)(3) and 16 TAC § 24.101(c)(3).

On December 29, 2023, the administrative law judge filed Order No. 2, establishing a deadline of January 10, 2024 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. Therefore, this pleading is timely filed.

I. MOTION TO ABATE IN RESPONSE TO MOTION TO DISMISS

On December 29, 2023, Rockport filed a motion to dismiss this proceeding, indicating that the rates at issue have been repealed as of December 13, 2023, thus causing the Ratepayers' appeal to become moot. In its motion to dismiss, Rockport stated that it has committed to refunding the Ratepayers the difference between the September 15, 2023 rates and the previous rates used by Rockport.¹ In light of the motion to dismiss for mootness, Staff does not intend to comment on the administrative completeness of the petition and instead requests that this docket and any ruling on the motion to dismiss for mootness be abated until Rockport has fulfilled its commitment to refund the Ratepayers. As such, Staff recommends that Rockport be ordered to file proof of the refunds or, in the alternative, to provide a status report on the progress of the refunds by January 25, 2024.

II. CONCLUSION

For the reasons stated herein, Staff respectfully requests that Rockport be ordered to file proof of the refunds or, in the alternative, to provide a status report on the progress of the refunds by January 25, 2024. Staff recommends that this docket be abated until the refunds have been made and proof of such refunds have been filed.

¹ Response of City of Rockport Pursuant to Order No. 1 and Motion to Dismiss at 4 and Exhibits F and G (Dec. 29, 2023).

Dated: January 10, 2024

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Rowan Pruitt

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on January 10, 2024, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Rowan Pruitt
Rowan Pruitt