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Item Number - 178

PUC DOCKET NO. 56589

PETITION BY RESIDENTS OF GRAND	§	BEFORE THE
LAKES MUNICIPAL UTILITY DISTRICT	§	
NO. 2 APPEALING THE WATER RATES	§	PUBLIC UTILITY COMMISSION
ESTABLISHED BY THE DISTRICT'S	§	
BOARD OF DIRECTORS	§	OF TEXAS

**APPEAL PURSUANT TO 16 TEXAS ADMINISTRATIVE CODE § 22.123(a)
MOTION TO STAY ORDER NO. 9, FILED PURSUANT TO 16 TAC § 22.123(a)(5)
ORDER NO. 9 BY ALJ KATIE MOORE MARX IS UNLAWFUL, NULL, AND VOID**

- (1) On 7/23/2024 administrative law judge (ALJ) Katie Moore Marx entered a questionable, baseless, malicious, unlawful, and punishable Proposal for Decision (PFD) [56589-167].
- (2) On 7/23/2024, petitioners filed a brief and exceptions [56589-168] to the PFD pursuant to Texas Government Code § 2001.062(a)(2).
- (3) On 7/24/2024, petitioners filed a motion to recuse [56589-169] ALJ Katie Moore Marx for conscious, punishable tampering with the instant case (docket no. 56589).
- (4) On 7/24/2024, Grand Lakes MUD No. 2 (MUD) filed a motion [56589-170] requesting stay of all pending deadlines until the Commission has ruled on the PFD [56589-167].
- (5) On 7/24/2024, petitioners filed a rebuttal [56589-171] requesting that the MUD's motion be denied as unwarranted and unlawful.
- (6) On 7/24/2024, ALJ Katie Moore Marx rendered Order No. 9 [56589-176] that "grants the MUD's motion, in part, and staying all existing deadlines for responses to discovery requests and motions to compel pending the outcome of the proceeding."
- (7) Order No. 9 [56589-176] is a continuation of the ALJ's conscious efforts to act with arbitrariness, tamper with the law, and secure injustice against and inflict harm on petitioners.
- (8) Order No. 9 [56589-176] is unlawful and must be instantly nullified. Once a motion for recusal is filed, 16 Texas Administrative Code § 22.3(e)(5) **prevents** the ALJ from ruling on any issues in the docket. It is another ALJ, appointed by SOAH, that presides on all matters that are the subject of the motion for recusal until the issue of disqualification is resolved.

16 Texas Administrative Code § 22.3 Standards of Conduct (e) Motions for Disqualification or Recusal of an Administrative Law Judge (5) The administrative law judge shall not rule on any issues that are the subject of a pending motion for recusal or disqualification. SOAH shall appoint another administrative law judge to preside on all matters that are the subject of the motion for recusal until the issue of disqualification is resolved.
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PRAYER

(9) Because a motion for recusal is filed, 16 Texas Administrative Code § 22.3(e)(5) **prevents** ALJ Katie Moore Marx from ruling on any issues in the docket. It is another ALJ, appointed by SOAH, that presides on all matters that are the subject of the motion for recusal until the issue of disqualification is resolved.

(10) Pending a ruling on the appeal against Order No. 9 [56589-176], the Commission grants a stay of said Order. The basis for a stay is a violation of 16 Texas Administrative Code § 22.3(e)(5). Good cause for granting a stay exists.

(11) Rendered by ALJ Katie Moore Marx whose recusal is requested, the Commission withdraws or repeals Order No. 9 [56589-176]. Said Order is null, void, and unlawful in violation of 16 Texas Administrative Code § 22.3(e)(5).

(12) The Commission must ensure that ALJ Katie Moore Marx stops all punishable efforts aimed at tampering with the case. The Commission must ensure that an SOAH-appointed ALJ presides on all matters that are the subject of the motion for recusal until the issue of disqualification is resolved.

Katy, Texas on the 24th day of July 2024.

Respectfully submitted,

on behalf of Grand Lakes MUD No. 2 ratepayers



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CERTIFICATE OF SERVICE

I certify that the filing of this pleading is notified to all parties of record, in addition to Commission Counsel Shelah Cisneros <Shelah.Cisneros@puc.texas.gov>, via e-mail on July 24, 2024.



George J. Wakileh, Ph.D.