

**RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION**

**RESIDENT APPEAL OF  
MUNICIPAL ACTION TAKEN BY  
THE CITY OF AUSTIN**

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§

**GAS UTILITIES DOCKET  
NO. 10800**

**ORDER OF DISMISSAL**

On January 2, 2019, Paul Robbins, a resident of the City of Austin and customer of Texas Gas Service Company ("TGS"), filed a letter with the Railroad Commission challenging the cost effectiveness of certain TGS conservation programs recently approved by the City of Austin. On January 11, 2019, TGS and the City of Austin moved to dismiss the pleading for lack of jurisdiction.

On April 4, 2019, the presiding Administrative Law Judge ("ALJ") granted both motions to dismiss, finding that the Railroad Commission lacks jurisdiction. Accordingly, consistent with the ALJ's ruling, this proceeding is hereby **DISMISSED**, *with prejudice*, in accordance with Commission Rule § 1.23(f)(1).<sup>1</sup>

This Order is appealable under Commission Rule § 1.38 (Interim Rulings and Appeals of Interim Rulings).<sup>2</sup>

Signed on April 4, 2019.

  
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**DANA AVANT LEWIS  
DIRECTOR, HEARINGS DIVISION**

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<sup>1</sup> 16 Tex. Admin. Code § 1.23(f)(1) ("If the Commission finds, either on the face of the complaint or after motion of the respondent, that the Commission lacks jurisdiction or the complainant lacks standing, the Hearings Director or the Commissioners shall dismiss the complaint as to such allegation or complainant.").

<sup>2</sup> See *id.* § 1.23(f)(2) ("Any dismissal order entered by the Hearings Director is subject to review by an appeal to the Commissioners. The appeal shall follow the same requirements set forth in §1.38(e) of this title (relating to Interim Rulings and Appeals of Interim Rulings).").