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Judge _____ Clerk _____

CAUSE NO. D-1-GV-09-001199

CITY OF GARLAND, TEXAS
Plaintiff

v.

PUBLIC UTILITY COMMISSION OF TEXAS
Defendant

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IN THE DISTRICT COURT

OF TRAVIS COUNTY

200th JUDICIAL DISTRICT

Filed in The District Court
of Travis County, Texas
JAN 15 2010 BP
At _____
Amalia Rodriguez-Mendoza, Clerk

FINAL JUDGMENT

On December 15, 2009 the court considered the City of Garland’s (“Garland”) suit for review of the Order on Rehearing in Docket No. 35665 (the “Order”) of the Public Utility Commission of Texas (“Commission”).

The Court reverses and remands the agency decision because it is in excess of the agency’s statutory authority, not reasonably supported by substantial evidence, and arbitrary and capricious. Specifically,

- 1) The factors set forth in Finding of Fact No 64 d, e, f, and h are legally irrelevant factors that the Commission should not have considered in making its ultimate finding.
- 2) The Commission’s findings set forth in Finding of Fact No 64 d, e, f, and h are not supported by substantial evidence.
- 3) The Commission’s ultimate finding, Finding of Fact 76, relies upon the irrelevant factors listed above and the findings listed above not supported by substantial evidence.

It is therefore ORDERED that the Commission’s Order on Rehearing in Docket No. 35665 shall be and is hereby reversed and that this matter is remanded to the Commission for further proceedings not inconsistent with this Order.

It is further ORDERED that all of Garland's requests for declaratory and injunctive relief shall be and are hereby severed from this administrative appeal, and the clerk of this court is directed to establish a new file with a new cause number, which shall proceed to final judgment on all of Garland's claims for declaratory and injunctive relief that were previously asserted herein.

This is a final judgment that disposes of all issues as to all parties in the case and is appealable.

SIGNED this 15 day of JANUARY, 2010.


STEPHEN YELENOSKY,
PRESIDING JUDGE