

Bond Case Briefs

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Amarillo v. Railroad Commission of Texas

Court of Appeals of Texas, El Paso - May 25, 2016 - S.W.3d - 2016 WL 3020304

Cities sought judicial review of Railroad Commission's decision to set gas rates on a system-wide basis.

The District Court affirmed. Cities appealed.

The Court of Appeals held that:

- Cities lacked standing to challenge implementation of system-wide rates, and
- Exception to mootness doctrine for claims capable of repetition yet evading review did not apply.

Cities lacked standing to challenge implementation of system-wide gas rate increases and procedural fairness of hearing at which Railroad Commission approved the rates, where cities and gas utility entered into settlement agreement stipulating to rates consistent with implementing system-wide approach and precluding any charge back for past revenues, and cities enacted ordinances for the new rates, so that dispute as to rates was rendered moot, as reversal would not impact prior bills paid by customers, dispute as to procedural fairness was no longer ripe, as any decision would have been relevant only to future disputes handled in same fashion, and any decision would have been mere advisory opinion as to propriety of procedures for determining past rates.

Exception to mootness doctrine for claims capable of repetition yet evading review did not apply to cities' challenge of implementation of system-wide gas rate increase, which was rendered moot by partial settlement agreement between cities and gas utility stipulating to use of system-wide approach and cities' enactment of ordinances for new rates, where there was nothing inherently short about time period for approval and implementation of rates that precluded judicial review, and there was no indication that future rate cases would have been handled by Railroad Commission in same fashion.