



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

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No. 07-18-00008-CV

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**SOUTHWESTERN PUBLIC SERVICE COMPANY, APPELLANT**

**V.**

**TOP OF TEXAS RURAL RAIL DISTRICT, APPELLEE**

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On Appeal from the 84th District Court  
Ochiltree County, Texas  
Trial Court No. 14,062, Honorable Curt Brancheau, Presiding

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October 22, 2018

**MEMORANDUM OPINION**

Before QUINN, C.J., and CAMPBELL and PARKER, JJ.

Pending before this Court is the Joint Motion to Dismiss filed by appellant, Southwestern Public Service Company, and appellee, Top of Texas Rural Rail District. By their motion, the parties represent that they have reached a settlement. Without passing on the merits of the appeal, we grant the motion and dismiss the appeal. See TEX. R. APP. P. 42.1(a)(1). Pursuant to the motion, all costs on appeal shall be taxed against the parties incurring them. See TEX. R. APP. P. 42.1(d). Having dismissed this

appeal at the parties' request, no motion for rehearing will be entertained and our mandate will issue forthwith.

Per Curiam