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DOCKET NO. 45596

PEDERNALES ELECTRIC §
COOPERATIVE, INC.'S COMPLAINT §
AND REQUEST FOR EMERGENCY §
ACTION AND FOR A CEASE AND §
DESIST ORDER AGAINST §
GEORGETOWN UTILITY SYSTEMS §

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

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**PEDERNALES ELECTRIC COOPERATIVE, INC.'S SECOND REQUEST FOR
EMERGENCY ACTION REGARDING ITS COMPLAINT AGAINST
GEORGETOWN UTILITY SYSTEMS**

Pedernales Electric Cooperative, Inc. ("PEC") files this Second Request for Emergency Action Regarding Its Complaint Against Georgetown Utility Systems and requests that the Commission order Georgetown Utility Systems ("GUS") to immediately halt construction of any GUS-owned electric facilities or infrastructure located in PEC's singly certificated service territory.

On February 17, 2016, eight days after it filed its Complaint and Request for Emergency Action and for a Cease and Desist Order Against Georgetown Utility Systems ("Complaint"), and more than three months after PEC sent a cease and desist letter to GUS, PEC discovered that GUS has installed additional GUS-owned electric facilities for the purpose of providing electric service to the City of Georgetown ("City") Westside Service Center ("Westside Service Center"), located near the intersection of Jim Hogg Road and Williams Drive in PEC's singly certificated service area.¹ These electric facilities were not present on February 8, 2016, the day before PEC filed its Complaint against GUS for encroachment into PEC's singly certificated service area.² The fact that new GUS-owned electric facilities are now present at the Westside Service Center's construction site leaves room for no other conclusion than that those facilities were installed after PEC filed its Complaint against GUS.³

Attached to this pleading as Exhibits A-1, A-2, A-3 and A-4 are photographs of the additional, newly installed GUS-owned electric facilities at the Westside Service Center:

¹ See Exhibit A, Affidavit of Michael Mayben. The Westside Service Center is one of several sites located entirely within PEC's singly certificated service area where GUS is already providing or intends to provide electric service, contrary to the Public Utility Regulatory Act and Commission rules, precedent, and policy as set out in PEC's Complaint.

² *Id.*

³ *Id.*

1. a GUS-owned underground riser located on a distribution pole near the intersection of Jim Hogg Road and Williams Drive (Exhibit A-1);
2. a GUS-owned 300 kVa pad-mounted transformer, with a meter can attached (Exhibits A-2 and A-3); and
3. a GUS-owned equipment vault (Exhibit A-4).

The installation of these facilities establishes that GUS is continuing to move forward with its plans to provide electric service to the Westside Service Center while this proceeding is pending, in complete disregard of both PEC's service territory and its Complaint filed to protect that service territory. These new facts justify PEC's original request for Emergency Action pursuant to Commission Rule 22.78(c).

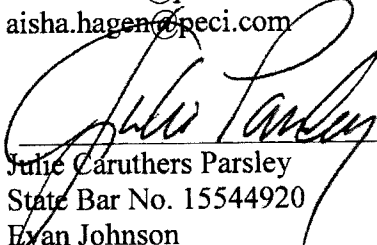
Therefore, PEC re-urges its request that the Commission order GUS to cease and desist building GUS-owned electric facilities and infrastructure in PEC's singly certificated service area, prior to the date set for Georgetown Utility Systems ("GUS") to respond to the Complaint, which is March 2, 2016.⁴ This relief is justified by the facts stated in PEC's Complaint, specifically the fact that GUS's construction of a three-phase distribution line in the right-of-way along Williams Drive to serve the City's Westside Service Center construction site and future facilities obstructs PEC's use of this right-of-way to serve other facilities at and near the Westside Service Center site. As stated in its Complaint, PEC was specifically concerned that GUS will continue building infrastructure and expanding service in PEC's service area. That concern has been borne out by the evidence of GUS's continued construction of additional electric facilities regardless of the Complaint PEC filed two weeks ago. It is clear GUS intends to continue building infrastructure and expanding service in PEC's service area while this proceeding is pending, and, for the same reasons stated in PEC's Complaint, this will result in continued irreparable harm to PEC, its customers, and its infrastructure. Furthermore, untangling this encroachment will be difficult at best should it continue.

⁴ This Second Request for Emergency Action is limited to GUS's on-going or new construction of electric facilities and installations in PEC's service territory. PEC's Complaint also seeks an order directing GUS to stop providing any electric service in PEC's service area and transfer all such service to PEC, those issues remain to be determined by the Commission. This Second Request for Emergency Action is not an amendment to PEC's original request for relief but a re-urging of PEC's original request for Emergency Action.

For these reasons, PEC re-urges its request for Emergency Action and requests that a cease and desist order, or other order consistent with this Request and its original Complaint, be issued prior to the deadline for filing responsive pleadings, in accordance with Procedural Rule 22.78(c).

Respectfully submitted,

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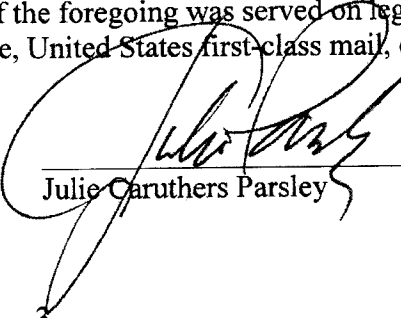


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**COUNSEL FOR PEDERNALES ELECTRIC
COOPERATIVE, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on legal counsel for GUS on this 23rd day of February 2016 by facsimile, United States first-class mail, or hand delivery.



Julie Caruthers Parsley

PUC DOCKET NO. 45596

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AFFIDAVIT OF MICHAEL MAYBEN

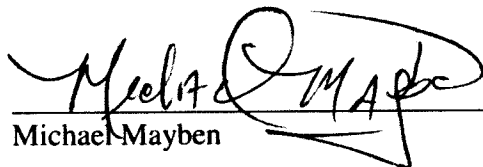
Before me, the undersigned authority, on this date personally appeared Michael Mayben, known to me to be the person whose name is subscribed below, and being by me first duly sworn, stated upon his oath as follows:

1. "My name is Michael Mayben. I am over 21 years of age, a resident of Texas, and am of sound mind and competent to testify to the matters stated herein. I have personal knowledge of the facts set forth in this Affidavit and am authorized to make this Affidavit on behalf of Pedernales Electric Cooperative ("PEC").
2. I am the Electric Distribution Planning and Design Manager at PEC. My business address is Liberty Hill District, P.O. Box 2048, Liberty Hill, Texas 78642-2048.
3. I have personal knowledge of PEC and its utility operations within the State of Texas. I also have personal knowledge of PEC's certificated service area which is bounded in some areas by the certificated service area of Georgetown Utility Systems ("GUS").
4. I assisted in the preparation of PEC's Second Request for Emergency Action Regarding Its Complaint Against Georgetown Utility Systems. I have reviewed the pleading and all facts contained within the Second Request for Emergency Action are within my personal knowledge and are true and correct to the best of my knowledge and belief.
5. The Exhibits attached to this affidavit, numbered Exhibit A-1 through A-4, are photographs taken by me on February 17, 2016. Each picture was taken at or near the construction site for the City of Georgetown Westside Service Center located near the intersection of Jim Hogg Road and Williams Drive in PEC's singly certificated service area.
6. Exhibit A-1 is a photograph of a GUS-owned underground riser on a distribution pole near the intersection of Jim Hogg Road and Williams Drive. Exhibits A-2 and A-3 are photographs of a GUS-owned 300 kVa pad-mounted transformer, with a meter can attached, near the intersection of Jim Hogg Road and Williams Drive. Exhibit A-4 is a GUS-owned equipment vault located near the intersection of Jim

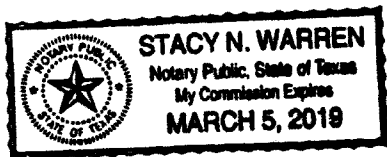
EXHIBIT A

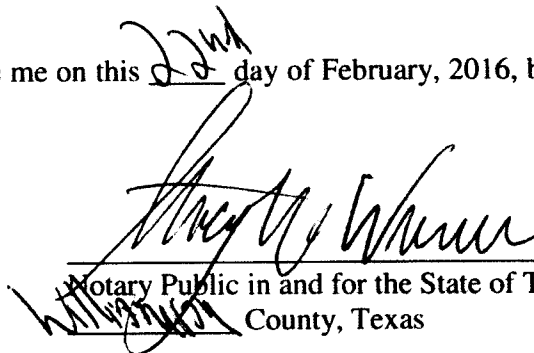
Hogg Road and Williams Drive. The photographs are accurate depictions of the facilities as of the date the photographs were taken.

7. I last visited the Westside Service Center construction site on February 8, 2016. As of that date, the facilities shown in Exhibits A-1 through A-4 and described above had not been installed in their present location, nor was the equipment necessary to construct these facilities present at the construction site to the best of my knowledge and belief. Because these facilities were present and installed at the time of my return trip to the construction site on February 17, 2016, I have reached the conclusion that GUS installed these facilities between February 9, 2016, and February 17, 2016.
8. All foregoing statements are within my personal knowledge and are true and correct to the best of my knowledge and belief. This concludes my Affidavit."


Michael Mayben

SWORN TO AND SUBSCRIBED before me on this 22nd day of February, 2016, by Michael Mayben.




Notary Public in and for the State of Texas
County, Texas

